# EIGHT YEARS OF TORY GOVERNMENT

## A HANDBOOK FOR THE USE OF LIBERALS

3/- NET

Birrell, Augustine

# EIGHT YEARS

OF

# TORY GOVERNMENT.

1895—1903.

## HOME AFFAIRS.

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# A HANDBOOK

FOR THE

## USE OF LIBERALS.

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"*In spite of the changes which have taken place, in spite of the great loss we have sustained in the withdrawal of Lord Salisbury's ripe experience from our Councils, it is still the same party and the same Government which is in power.*"—Mr. AUSTEN CHAMBERLAIN *at Birmingham, January 6th, 1903.*

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"*Promising is the very air o' the time. . . . To promise is most courtly and fashionable: performance is a kind of will or testament which argues a great sickness in his judgement that makes it.*"—TIMON OF ATHENS.

1903.

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# PREFACE.

A Handbook of present-day Politics which has nothing in it about Mr. Chamberlain's assault on Free Imports, and his ambition to clap taxes on the Bread and Meat of Forty Millions of People, may seem at first sight a book more remarkable for its omissions than for its actual contents, but, as a matter of fact, were we foolish enough to forget the history of the last few years in the fierce strife Mr. Chamberlain has deliberately provoked, we should be doing the very thing the astutest of electioneerers would wish us to do.

No Government since the days of Charles the Second has so bad a record as the present Administration.

This Handbook is a blunt record of the actual achievements of the present Ministry in the various departments of State.

From a study of the following pages some idea may be gained of the calibre of Ministers—what sort of men they are, and what pains they have taken in war and peace to serve the country they have affected to govern.

The report of the War Commission unfolds a tale of stupidity, of downright incapacity, it is impossible even for a partisan to exaggerate. The best friends of the Government can say nothing in its defence. Collective responsibility there was none. The Intelligence Department reported that the Orange Free State would certainly throw in its lot with

President Kruger were war to be declared. Such a report was worthy of discussion. It is not unimportant to know, before you fight, with whom your fight will be. Mr. Balfour never read the report, and thought we were as likely to have to fight the Orange Free State as Switzerland. Mr. Chamberlain either shared Mr. Balfour's ignorance or kept him in it.

The Education Act is another instance of carefully nurtured and far-reaching ignorance. It has already broken down. Compromises are possible things, and often useful, but the Act of 1902 gave more to the Church of England than ten years ago the most grasping of ecclesiastics would have thought it wise even to suggest, whilst it took away from the Nonconformists what had been given them by the compromise of 1870. And Mr. Balfour is as astonished at the anger of the Nonconformist as he was to find himself at war with the Orange Free State!

Mr. Chamberlain has split the party he did so much to create eighteen years ago, and now seeks a fresh alliance with the Protectionist section of the old Tory party. This conduct has, of course, lent excitement to the situation—the cards are being shuffled afresh, and an old enemy sometimes makes a nice, new friend—but Liberals will do well if they stand by their old friends, and make a careful study of the character and achievements of the Administration now rapidly foundering on the rocks. Is any portion of it worth saving?

AUGUSTINE BIRRELL.

*September* 1*st*, 1903.

# EDITORIAL NOTE.

This Handbook covers the record of the Tory Government on domestic questions from 1895 up to the end of the Session of 1903.

Every effort has been made to be accurate and to verify the quotations. Whilst it is too much to expect that with so many facts and figures there are no errors, it is hoped and believed that they will be found to be very few; a note of any that are discovered will be much appreciated by the Editor, addressed to 42, Parliament Street, S.W.

The Editor desires to express his sincere acknowledgments to the many friends who have assisted him in this compilation.

*September*, 1903.

# CONTENTS.

## CHAPTER I.

## CHAPTER II.



## CHAPTER III.

## CHAPTER VI.



## CHAPTER VII.

## CHAPTER VIII.



## CHAPTER IX.



## CHAPTER X.



## CHAPTER XI.



## CHAPTER XII.

## CHAPTER XIII.



## CHAPTER XIV.



## CHAPTER XV.

## CHAPTER XVI.



## CHAPTER XVII.

CHAPTER I.

# FINANCE.

BEFORE we proceed to set out the financial story of the present Government it will be convenient to summarise very shortly its salient features:—

(1.) Thanks to good times and trade (for which on their own admission the Government has not been responsible) the revenue has risen by leaps and bounds, but even up to the time of the war there was practically no remission of taxation. (See pages 10 and 16.)

(2.) The realised surpluses of the years before the war were nearly all diverted from their natural destination—the reduction of the National Debt. (See page 4.)

(3.) In order, in 1899, to escape the odium of imposing fresh taxation in a time of great revenue, the annual amount set aside for the service of the National Debt was reduced in time of peace from 25 to 23 millions. (See page 12.)

(4.) The largest of Sir Michael Hicks-Beach's surpluses was smaller than the increased yield to the revenue due to Sir William Harcourt's equalisation and graduation of the Death Duties in 1894. (See page 14.)

(5.) The soundness of Sir William Harcourt's finance is attested by the fact that no attempt has been made to upset it. (See page 14.)

(6.) As the result of the enormous increase in the normal expenditure, over two-thirds of the war taxation has to be retained now that the war is over. (See page 17.)

(7.) The South African War, estimated to cost 10 millions, has cost 225 millions, of which 125 millions is added to the National Debt. (See page 9.)

## 1. THE YEARLY BALANCE-SHEETS.

We give below two sets of tables showing:—

(A) How the money has been raised.
(B) How the money has been spent.

The first of them includes only the amount raised for Imperial purposes. We add in the second the amount raised Imperially which is handed over to local authorities in grants in aid.

## (A)—HOW THE MONEY HAS BEEN RAISED.

*[This Table refers to Imperial Taxation raised for Imperial Purposes.]*

| | Years Ending March 31st. | | | | |
|---|---|---|---|---|---|
| | **1895.** *Last complete Liberal Year.* | **1896.** *Partly Liberal. Partly Tory.* | **1897.** *First complete Tory Year.* | **1898.** | **1899.** |
| | £ | £ | £ | £ | £ |
| **I. Tax Revenue.** | | | | | |
| Customs ... ... ... | 20,115,000 | 20,756,000 | 21,254,000 | 21,798,000 | 20,850,000 |
| Excise ... ... ... | 26,050,000 | 26,800,000 | 27,460,000 | 28,300,000 | 29,200,000 |
| Estate, etc., Duties ... | 8,719,000 | 11,600,000 | 10,830,000 | 11,100,000 | 11,400,000 |
| Stamps ... ... ... | 5,721,000 | 7,350,000 | 7,350,000 | 7,650,000 | 7,630,000 |
| Land-Tax ... ... | 1,015,000 | 1,015,000 | 920,000 | 940,000 | 770,000 |
| House Duty ... ... | 1,435,000 | 1,495,000 | 1,510,000 | 1,510,000 | 1,600,000 |
| Property and Income-Tax | 15,600,000 | 16,100,000 | 16,650,000 | 17,250,000 | 18,000,000 |
| | 78,655,000 | 85,116,000 | 85,974,000 | 88,548,000 | 89,450,000 |
| **II. Non-Tax Revenue.** | | | | | |
| Post Office ... ... | 10,760,000 | 11,380,000 | 11,860,000 | 12,170,000 | 12,710,000 |
| Telegraphs ... ... | 2,580,000 | 2,840,000 | 2,910,000 | 3,010,000 | 3,150,000 |
| Crown Lands ... ... | 410,000 | 415,000 | 415,000 | 415,000 | 430,000 |
| Suez Canal ... ... | 413,000 | 690,000 | 694,000 | 697,000 | 713,000 |
| Miscellaneous ... ... | 1,866,000 | 1,533,000 | 2,097,000 | 1,774,000 | 1,883,000 |
| | 94,684,000 | 101,974 000 | 103,950,000 | 106,614,000 | 108,336,000 |

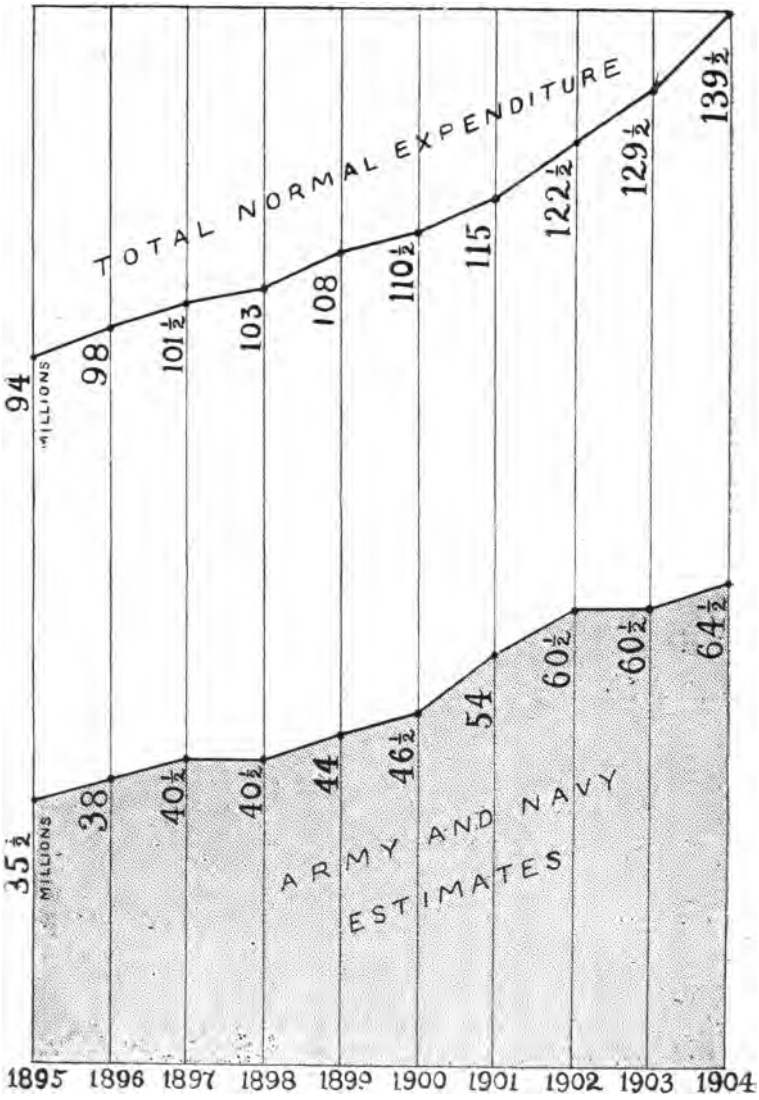
| | Years Ending March 31st. | | | | |
|---|---|---|---|---|---|
| | 1900. | 1901. | 1902. | 1903. | 1904. [*Estimate.*] |
| I. Tax Revenue. | £ | £ | £ | £ | £ |
| Customs ... ... ... | 23,800,000 | 26,262,000 | 30,993,000 | 34,433,000 | 34,640,000 |
| Excise ... ... ... | 32,100,000 | 33,100,000 | 31,600,000 | 32,100,000 | 32,700,000 |
| Estate, etc., Duties ... | 14,020,000 | 12,980,000 | 14,200,000 | 13,850,000 | 13,300,000 |
| Stamps ... ... ... | 8,500,000 | 7,825,000 | 7,800,000 | 8,200,000 | 8,400,000 |
| Land-Tax ... ... | 790,000 | 755 000 | 725,000 | 725,000 | 2,600,000 |
| House Duty ... ... | 1,670,000 | 1,720,000 | 1,775,000 | 1,825,000 | |
| Property and Income-Tax | 18,750,000 | 26,920,000 | 34,800,000 | 38,800,000 | 30,500,000 |
| | 99,630,000 | 109,562,000 | 121,893,000 | 129,933,000 | 122,140,000 |
| II. Non-Tax Revenue. | | | | | |
| Post Office ... ... | 13,300,000 | 13,800,000 | 14,300,000 | 14,750,000 | 15,300,000 |
| Telegraphs ... ... | 3,350,000 | 3,450,000 | 3,490,000 | 3,630,000 | 3,800,000 |
| Crown Lands ... ... | 450,000 | 500,000 | 455,000 | 455,000 | 445,000 |
| Suez Canal ... ... | 834,000 | 830,000 | 870,000 | 958,000 | 935,000 |
| Miscellaneous ... ... | 2,276,000 | 2,243,000 | 1,990,000 | 1,826,000 | 1,650,000 |
| | 119,840,000 | 130,385,000 | 142,998,000 | 151,552,000 | 144,270,000 |

## (*B*)—HOW THE MONEY HAS BEEN SPENT.

| | Years Ending March 31st. | | | | |
|---|---|---|---|---|---|
| | **1895.** *Last Complete Liberal Year.* | **1896.** | **1897.** *First Complete Tory Year.* | **1898.** | **1899.** |
| | £ | £ | £ | £ | £ |
| Fixed Debt Charges ... ... ... | 25,000,000 | 25,000,000 | 25,000,000 | 25,000,000 | 25,000,000 |
| Army ... ... ... ... ... | 17,900,000 | 18,460,000 | 18,270,000 | 19,330,000 | 20,000,000 |
| Navy ... ... ... ... ... | 17,545,000 | 19,724,000 | 22,170,000 | 20,850,000 | 24,068,000 |
| Other Army and Navy Expenditure ... | 150,000 | 150,000 | 1,014,000 | 215,000 | 215,000 |
| Civil List and Administration ... ... | 20,407,000 | 21,251,000 | 21,473,000 | 23,231,000 | 23,854,000 |
| Customs and Inland Revenue ... ... | 2,646,000 | 2,702,000 | 2,716,000 | 2,745,000 | 2,816,000 |
| Post Office... ... ... ... ... | 6,869,000 | 7,018,000 | 7,150,000 | 7,592,000 | 8,030,000 |
| Telegraph Service ... ... ... ... | 2,674,000 | 2,744,000 | 2,961,000 | 3,226,000 | 3,347,000 |
| Packet Service ... ... ... ... | 727,000 | 715,000 | 723,000 | 747,000 | 820,000 |
| | 93,918,000 | 97,764,000 | 101,477,000 | 102,936,000 | 108,150,000 |
| *Realised* Surplus (+) or Deficit (−) ... | + 766,000 | + 4,210,000 | + 2,473,000 | + 3,678,000 | + 186,000 |
| | *National Debt.* | *Naval Works.* | *Military Works.* | *Public Buildings and Exchequer Balance.* | *Exchequer Balance.* |
| Total raised for Imperial Purposes by Taxation ... ... ... | 94,684,000 | 101,974,000 | 103,950,000 | 106,614,000 | 108,336,000 |
| Total raised by Imperial Taxes for Local Taxation ... ... ... | 7,013,542 | 7,366,117 | 8,248,662 | 9,402,000 | 9,521,000 |
| Grand Total ... ... ... | 101,697,542 | 109,340,117 | 112,198,662 | 116,016,000 | 117,857,000 |

| | Years Ending March 31st. | | | | |
|---|---|---|---|---|---|
| | 1900. | 1901. | 1902. | 1903. | 1904. (*Estimate*) |
| | £ | £ | £ | £ | £ |
| Fixed Debt Charges ... ... ... | 23,000,000 | 18,453,000 | 18,319,000 | 23,000,000 | 27,000,000 |
| Army ... ... ... ... ... | 20,600,000 | 24,473,000 | 29,312,000 | 29,440,000 | 30,000,000 |
| Navy ... ... ... ... ... | 26,000,000 | 29,520,000 | 31,030,000 | 31,170,000 | 34,457,000 |
| Other Army and Navy Expenditure ... | 215,000 | 215,000 | 215,000 | 215,000 | 215,000 |
| Civil List and Administration ... ... | 25,049,000 | 26,006,000 | 26,482,000 | 27,924,000 | 29,265,000 |
| Customs and Inland Revenue ... ... | 2,800,000 | 2,834,000 | 2,955,000 | 3,040,000 | 3,113,000 |
| Post Office ... ... ... ... ... | 8,480,000 | 8,963,000 | 9,240,000 | 9,630,000 | 10,068,000 |
| Telegraph and Packet Service ... .. | 4,361,000 | 4,508,000 | 4,772,000 | 4,933,000 | 5,336,000 |
| | 110,505,000 | 114,972,000 | 122,325,000 | 129,352,000 | 139,454,000 |
| War Expenditure ... ... ... ... | 23,217,000 | 68,620,000 | 73,197,000 | 55,132,000 | 4,500,000 |
| | 133,722,000 | 183,592,000 | 195,522,000 | 184,484,000 | 143,954,000 |
| *Realised* Surplus (+) or Deficit (−) ... | − 13,882,000 | − 53,207,000 | − 52,524,000 | − 32,932,000 | + 316,000 |
| Total raised for Imperial Purposes by Taxation ... ... ... | 119,840,000 | 130,385,000 | 142,998,000 | 151,552,000 | 144,270,000 |
| Raised by Imperial Taxes for Local Taxation ... ... ... | 9,917,000 | 9,634,000 | 9,713,000 | 9,767,000 | |
| Grand Total ... ... ... | 129,757,000 | 140 019,000 | 152,711,000 | 161,319,000 | |

## THE NORMAL NATIONAL EXPENDITURE.



We give on the opposite page a diagram which illustrates the enormous increase in the normal annual expenditure. We have kept out of the calculation all the cost of the South African and Chinese wars. The following gives the same figures (and some others) in tabular form :—

| L = Liberal year T = Tory year. | Year ending Mar 31st. | Total Normal Expenditure. | Army. | Navy. | Army and Navy. | Debt Charge. |
|---|---|---|---|---|---|---|
| | | Million £. | Million £. | Million £. | Million £. | Million £. |
| L | 1884 | 86 | 16 | 11 | 27 | 29½ |
| L | 1894 | 91½ | 18 | 14 | 32 | 25 |
| L | 1895 | 94 | 18 | 17½ | 35½ | 25 |
| L and T | 1896 | 98 | 18½ | 20 | 38½ | 25 |
| T | 1897 | 101½ | 18½ | 22 | 40½ | 25 |
| T | 1898 | 103 | 19½ | 21 | 40½ | 25 |
| T | 1899 | 108 | 20 | 21 | 41 | 25 |
| T | 1900 | 110½ | 20½ | 26 | 46½ | 23 |
| T | 1901 | 115 | 24½ | 29½ | 54 | 18½ |
| T | 1902 | 122½ | 29½ | 31 | 60½ | 18½ |
| T | 1903 | 129½ | 29½ | 31 | 60½ | 23 |
| T and ? | 1904 | 140 | 30 | 34½ | 64½ | 27 |

Apart altogether from war expenditure, therefore, the Tory Government is now spending over forty-five millions a year more than their Liberal predecessors, or considerably more than a pound a head a year for every man, woman, and child in the United Kingdom. For every two pounds spent by the Liberal Government, the Tories are spending nearly three. Most of the increased expenditure is on the Army and Navy. In the last Liberal year (1894–5) the amount spent on the Army and Navy was 35½ millions; in this year's estimates (1903–4) the amount is 64½ millions—or an increase of 29 millions in nine years. The Tory "doles" to their "friends"—the landowners and the parsons—cost nearly three millions a year.

## SIR M. HICKS-BEACH ON ECONOMY.

It is a remarkable fact that in the last 17 years two Tory Chancellors of the Exchequer have resigned because their colleagues declined to allow them to retrench in national expenditure—Lord Randolph Churchill in 1886 and Sir M. Hicks-Beach in 1902. We cannot do better than give here an extract from a speech by the latter, delivered shortly after his retirement. Sir Michael then said :—

### A Warning.

"They should remember that he had told them that in the last seven years the ordinary expenditure of the country had increased at a rate of no less than five millions and a-half a year. They could not go on in that way. They must stop the rate of increase. If they did not, what would happen? He would tell them what would happen. A shilling Income-tax would be utterly insufficient for the needs of the country even in time of peace; and

all the people who complained now of the little, the small taxation that had been imposed upon sugar and corn would be face to face with heavy taxation, not only, perhaps, on those articles, but on other great articles of popular consumption. They would have changed their fiscal system from a system of light taxation which had prevailed during the last forty years, and under which the industries of the country had been enormously developed, to a system of heavy taxation which would keep those industries down. And the result would be that whereas, thanks largely to the light taxation of the past, they had accumulated wealth in this country, that had enabled them to bear the strain of the three years' war with hardly any difficulty at all, they might, in a future day of adversity, perhaps in some time of conflict, not with two Boer Republics, but with a great European Power, find themselves at the commencement of a great struggle burdened with an enormous weight of taxation in time of peace which would make them absolutely incapable to deal with the cost of the war. That was the warning he ventured to give.

### Need for Economy.

"That was why he impressed on them as the great need at the present time some care for that economy which was so dear to our forefathers. He did not mean by economy that we should reduce our military, much less our naval, strength to a point which would invite attack, or even which would give rise to some reactionary panic which would put us in a worse position as regarded expenditure than before. But he did mean this, that they should very carefully consider the recommendations of naval and military experts before they dealt with them, that they should bear in mind that by the very nature of their position they were necessarily obliged to undervalue our strength and overvalue the strength of our possible adversary, and that they should take a heavy discount off what these gentlemen said they required when the people of the country settled the expenditure which in their judgment was really necessary for the safety of the country. More than this, let them all remember that the safety of the country depended not only upon our material strength, but upon our policy.

### Our Colonies and Foreign Nations.

"Let us, by all means, do everything we could by practical sympathy to attract the sympathies in return and the help, if we needed it, of our great colonies. He was a little tired of the paroxysms of mutual admiration and the innumerable perorations about unity and loyalty, of which we had heard so much about in the course of the last few months. He believed the permanence of our relations with our colonies would be best based, not upon sentiment—though he did not underrate the influence of sentiment upon the affairs of the world—but upon mutual respect. The way to make our colonies respect us was not to flatter them above measure, not to tell them always, as we were apt to nowadays, that they were more important than the mother-country. . . . And with regard to foreign nations, let us carry out the golden rule of doing to others as we should wish them to do to us. Let us, while keeping our powder dry, be careful to avoid provocation, whether of word or action. Let us estimate at their true value, which was nothing, the vapourings of the sensational press, whether at home or abroad, and let us not always consider it a menace, or an injury to ourselves, if a foreign nation followed our own example by founding some station for the benefit of its trade, or even annexing a certain territory in a country which, hitherto in barbarous hands, had yielded nothing to the welfare of mankind. Whatever our wealth, and whatever our strength, it was on that policy and on that policy alone, that the welfare of our people could be secured, and the greatness of our Empire maintained."—(*Bristol, September 29th*, 1902.)

# THE COST OF THE SOUTH AFRICAN WAR.

When, in October, 1899, the South African War began, the Government estimated that it would last a few weeks and cost 10 millions. As a fact, it lasted 2⅔ years, whilst we give below full particulars of what it has cost Great Britain :—

## A.—What the South African War has Cost.

| *Year ending March 31st.* | Army Estimates. | Civil Service Charges. | War Loan Charges. | Cost of floating loans |
|---|---|---|---|---|
| | £ | £ | £ | £ |
| 1900 | 23,000,000 | — | 217,000 | — |
| 1901 | 63,737,000 | — | 1,383,000 | 1,058,000 |
| 1902 | 61,070,000 | 6,600,000 | 3,367,000 | 3,447,000 |
| 1903 | 39,650,000 | 10,850,000 | 4,282,000 | 2,125,000 |
| 1904 (*estimated*) | 4,000,000 | — | — | — |
| | 191,457,000 | 17,450,000 | 9,249,000 | 6,630,000 |

GRAND TOTAL ... ... £224,786,000

## B.—How the War is Paid For.

*I. By Taxation.*

| | £ | |
|---|---|---|
| 1899–1900.—Normal Realised Surplus ... | 9,334,000 | |
| 1900–1901.—Out of Taxation ... ... | 11,913,000 | |
| 1901–1902.— „ „ ... ... | 18,513,000 | |
| 1902–1903.— „ „ ... ... | 21,850,000 | |
| 1903–1904.— „ „ ... ... | 4,000,000 | |
| | | 65,610,000 |
| *II. By Borrowing or Increased Indebtedness* ... ... | | £159,176,000 |
| | | £224,786,000 |

The following shows how the money has been raised :—

| NATURE OF DEBT. | AUTHORITY. | AMOUNT OF DEBT. | CASH PROCEEDS. |
|---|---|---|---|
| | | £ | £ |
| Treasury Bills | Treasury Bills Act, 1899 .. | 8,000,000 | 8,000,000 |
| | War Loan Act, 1900 ..... | 5,000,000 | 5,000,000 |
| Exchequer Bonds | Supplemental War Loan Act, 1900 ..... | 10,000,000 | 9,790,000 |
| | Supplemental War Loan (No. 2) Act, 1900 ..... | 3,000,000 | 2,944,000 |
| War Loan (Stock and Bonds) 2½ per cent. | | 11,000,000 | 10,689,000 |
| | War Loan Act, 1900 ..... | 30,000,000 | 29,519,000 |
| Consols | Loan Act, 1901..... | 60,000,000 | 56,553,000 |
| | Loan Act, 1902..... | 32,000,000 | 29,875,000 |
| | Total..... | 159,000,000 | 152,370,000 |

## SUMMARY OF WAR COST.

| | £ |
|---|---|
| Paid out of Taxation (1899-1904) ... ... ... | 65,610,000 |
| To be repaid by Transvaal ... ... ... ... | 34,000,000 |
| Added to National Debt ... ... ... ... | 125,176,000 |
| | £224,786,000 |

## AMOUNT RAISED IN TAXATION, 1891—1903.

T—*Tory year.* L—*Liberal year.*

| Years ending March 31st. | | Paid into Imperial Exchequer. | Paid into Local Taxation Account. | TOTAL. |
|---|---|---|---|---|
| | | £ | £ | £ |
| 1891 | T. | 89,489,000 | 6,974,000 | 96,463,000 |
| 1892 | | 90,995,000 | 7,582,000 | 98,577,000 |
| 1893. | T. & L. | 90,395,000 | 7,214,000 | 97,609,000 |
| 1894 | L. | 91,133,000 | 7,164,000 | 98,297,000 |
| 1895 | | 94,684,000 | 7,014,000 | 101,698,000 |
| 1896. | L. & T. | 101,974,000 | 7,366,000 | 109,340,000 |
| 1897. | | 103,950,000 | 8,249,000 | 112,199,000 |
| 1898 | | 106,614,000 | 9,402,000 | 116,016,000 |
| 1899 | | 108,336,000 | 9,521,000 | 117,857,000 |
| 1900 | T. | 119,840,000 | 9,917,000 | 129,757,000 |
| 1901 | | 130,385,000 | 9,634,000 | 140,019,000 |
| 1902 | | 142,998,000 | 9,713,000 | 152,711,000 |
| 1903. | | 151,552,000 | 9,767,000 | 161,319,000 |

## NATIONAL DEBT.

We take the following statistics as to the (*a*) *gross* and (*b*) *net* amount of national indebtedness from return Cd. [1581] of 1903:—

| L. = Liberal Year. T. = Tory Year. | *Year Ending March 31st.* | Gross State Liabilities. | Estimated Assets. | Net State Liabilities. |
|---|---|---|---|---|
| | | £ | £ | £ |
| L. | 1881 | 765,205,030 | 36,102,917 | 729,102,113 |
| L. | 1882 | 759,919,976 | 32,899,975 | 727,020,001 |
| L. | 1883 | 753,853,902 | 32,011,196 | 721,842,706 |
| T. | 1888 | 704,634,952 | 5,522,917 | 699,112,035 |
| T. | 1892 | 677,069,062 | 5,209,428 | 671,859,634 |
| T. & L. | 1893 | 671,119,937 | 5,214,792 | 665,905,145 |
| L. | 1894 | 667,290,715 | 4,940,883 | 662,349,832 |
| L. | 1895 | 659,001,552 | 25,109,616 | 633,891,936 |
| L. & T. | 1896 | 652,286,366 | 23,566,354 | 628,720,012 |
| T. | 1897 | 645,171,525 | 23,269,905 | 621,901,620 |
| T. | 1898 | 638,817,507 | 25,241,799 | 613,575,708 |
| T. | 1899 | 635,393,734 | 27,154,961 | 608,238,773 |
| T. | 1900 | 638,919,932 | 25,180,461 | 613,739,471 |
| T. | 1901 | 703,934,319 | 26,518,760 | 677,415,559 |
| T. | 1902 | 765,215,653 | 28,661,855 | 736,553,798 |
| T. | 1903 | 798,349,190 | 29,768,790 | 768,580,400 |

Bearing in mind that a sum of 40 millions is repayable—34 by the Transvaal and 6 by China—this makes the total State liability £728,580,390, or just what it was in 1881. That is to say, when every allowance and set-off is made, the expenditure on the South African war has wiped out twenty-two years savings on the National Debt. A pretty feather, indeed, for Mr. Chamberlain's cap!

Next we give some figures as to the Fixed Debt Charge, taking the years in which it was refixed:—

| Year ending March 31st. | Total National Debt. | | Fixed Debt Charge. | Percentage of Fixed Debt Charge to *Net* State Liability. |
|---|---|---|---|---|
| | *Gross.* | *Net.* | | |
| | Million £. | Million £. | Million £. | |
| 1879 | 772 | 739 | 28 | 3·8 |
| 1888 | 705 | 699 | 26 | 3·7 |
| 1890 | 689 | 683 | 25 | 3·7 |
| 1899 | 635 | 608 | 23 | 3·8 |
| 1903 | 798 | 769 | 27 | 3·5 |

That is to say, the Fixed Debt Charge is much less than it ought to be having regard to (*a*) the greatly increased amount of the National Debt and (*b*) the greatly increased amount of the national income.

## THE SINKING FUND.

### THE RAID OF 1899.

In 1899, in order to meet a prospective deficit of nearly three millions, Sir Michael Hicks-Beach raided the Sinking Fund for two millions of the amount, cutting down the fixed charge for interest and repayment of capital from 25 to 23 millions. That was at once weak and audacious—weak because it shirked the real difficulty of finding the money necessary to meet the huge expenditure, and audacious because it laid hands upon the Sinking Fund, and secured the necessary money by ceasing to pay off as much as two millions a year of the National Debt. It is interesting to recall what Sir Michael Hicks-Beach himself said on the same subject in his first Budget speech after 1895:—

"The National Debt—the funded debt—has not been materially increased since the Crimean War. . . . We have paid off in thirty-nine years £190,000,000 of debt, and £100,000,000 of that has been paid off in the last thirteen years. . . . That is a thing which I think this country may be proud of. It is a source of incalculable strength to this country, and, although it may sometimes be necessary even in times of peace, as it was necessary in 1885, when I was last responsible for the finances of the country, to postpone temporarily the operation of the Sinking Fund, yet I trust that Parliament will never permanently depart from the wise and prudent policy in this matter which it has hitherto pursued." —(*House of Commons, April 16th*, 1896.)

Yet this is precisely what he got Parliament to do in 1899. To add to the complication we stopped paying off debt because it was so expensive to pay off consols when they are above par. They have since fallen below 91!

### THE RE-SETTLEMENT OF 1903.

Part of Mr. Ritchie's task in the Budget of 1903 was to settle the amount of the Fixed Charge for the National Debt, taking into account the entire interest payable due to South African War borrowing. In the first place, it may be well to see what the Government pledges were in this matter. Sir Michael Hicks-Beach, speaking at a time when we had been at war for thirteen months and peace was not in sight, said:—

"Then (*when the war was over*) would come the time when it would be necessary for them to provide for the gradual liquidation of so much of the cost of the war as had been met by borrowed money. He had always said that *we could not properly leave that cost as a permanent burden upon this country.*"—(*Bristol, November 13th*, 1900.)

This is very definite, but it might be said that the promulgation of the war, involving such an enormous additional expense, made Sir Michael's pledge impossible of fulfilment. That line of reply, however, is not possible, since in July, 1902, when the total cost of the war was approximately known, since it was over—the pledge was repeated by Sir Michael Hicks-Beach. Speaking to an audience of City men at the Mansion House, he said:—

"Next year, next spring, I think, the Budget ought to bring with it a very considerable remission of taxation, and the first tax to be considered in that remission must undoubtedly be the income-tax. But I think it ought

also to bring *the establishment of a new sinking fund for the purpose of the war debt*, although I do not for a moment doubt that a considerable sum for the cost of the war will be recovered from the wealth of the Transvaal."—(*Mansion House, July 25th*, 1902.)

We are now in a position to see what Mr. Ritchie has done towards paying off new war debt, which even when we get the 34 millions repayable by the Transvaal will amount to over 120 millions. The Fixed Debt Charge was fixed in 1899 at 26 millions. During the war it was for two years reduced by over 4½ millions, but it was restored to the full amount in June, 1902, on the conclusion of peace. Using the words "old debt" to mean national indebtedness that existed before the war, and "new debt" to mean additional indebtedness due to the war, Mr. Ritchie had to provide in the current financial year 1903-4 :—

| | £ |
|---|---|
| (*a*) Fixed Debt charge (for interest on and sinking fund for Old Debt)... | 23,000,000 |
| (*b*) Interest on New Debt ... ... | 4,500,000 |
| | 27,500,000 |

But the reduction of the interest on Consols from 3¾ to 2½ per cent. is a gain of 1¼ million a year, which the Tory Government had always promised should go to the reduction of taxation. Instead of taking it all, Mr. Ritchie only takes £500,000 and creates a new fixed charge of 27 millions, which may be made up in this way :—

| | £ |
|---|---|
| (*a*) For interest and paying off capital of Old Debt ... ... ... ... | 21,750,000 |
| (*b*) For interest on New Debt ... ... | 4,500,000 |
| (*c*) For paying off capital of New Debt... | 750,000 |
| | £27,000,000 |

More, when the Transvaal thirty-four millions and Chinese six millions is paid, the interest payable on the New Debt will be reduced by over a million, and this million can then be applied to debt reduction. The Old and New Debt will be treated as one, but the above statement is none the less sound for explanatory purposes. We are to pay ¾ million a year at once, and in a few years' time 1¾ millions a year towards paying off war debt.

It is something that Mr. Ritchie did even this much, though it is much less than ought to have been done and would have been done but for the increase in the normal expenditure. Here are some figures which show that we are not doing anything very heroic in the way of debt reduction :—

| Year ending March 31st. | Exchequer Revenue. Million £ | Fixed Debt Charge. Million £ | Percentage. | Total National Debt. Million £ |
|---|---|---|---|---|
| 1888 ..... | 90 ..... | 26 ..... | 28·8 ..... | 706 |
| 1890 ..... | 89 ..... | 25 ..... | 28 ..... | 690 |
| 1900 ..... | 119 ..... | 23 ..... | 19·3 ..... | 639 |
| 1904 ..... | 144 ..... | 27 ..... | 18·7 ..... | 798 |

Although, therefore, we are to do something towards tackling the war debt, we have nothing very much to be proud of in the amount we devote to the debt charges.

## THE TORIES AND SIR WILLIAM HARCOURT'S FINANCE.

No more conclusive demonstration of the soundness of Sir William Harcourt's finance could be imagined than the Budgets of his successors. In the first place all Sir William Harcourt's predictions have been verified. The amount which the Death Duties have produced is even greater than the amount which Sir William Harcourt estimated they would produce. In the second place, so far from the increase on the duties ruining those who had to pay them, so rich are the propertied classes that they have in nearly all cases paid the duties at once rather than take advantage of the provision enabling them to pay the amount gradually. This means that Sir William Harcourt has succeeded in shifting some of the burden of taxation on to the backs of those who can well afford to pay.

Not only are Sir William Harcourt's predictions fulfilled, but the present Government has never ventured to disturb his finance. Lord Salisbury distinctly threatened that some future Tory Chancellor of the Exchequer would set right the evil effects of the Budget of 1894. Speaking at a complimentary dinner to Unionist candidates, he said :—

"I condemn most heartily this Budget, not on account of its object, but on account of the extreme and phenomenal clumsiness with which it has been constructed. It is the worse piece of work — the most hasty, superficial piece of work—ever presented to Parliament. It is nothing but an expression of the passions of the Chancellor of the Exchequer, and contains in it neither ingenuity, study, nor ability. But I am afraid I have wandered rather from the line laid down by your chairman in addressing you just now. Budgets come, and Budgets go. They do not matter very much, and your blunder, if detected, can be set right in the Budget that follows, and I do not believe that any blunders, however portentous, that the present Chancellor of the Exchequer can commit will permanently injure any very distant race or generation of those who inhabit these islands."—(*London, St. James's Hall, June 8th*, 1894.)

Since, however, it has been within a Tory Ministry's power to correct these "blunders" they have done nothing except to take the money which these "blunders" have brought in, and distribute it amongst their political friends and supporters—the landowners and the parsons. More, when appealed to (in 1898 by Lord Feversham) and asked to undo the Budget of 1894, Lord Salisbury pleaded that what is done is done and cannot be altered. Excellent doctrine, but as to the impossibility of one party undoing the work of its predecessor, why was the promise made *before* the General Election that the "blunders" of the 1894 Budget should be remedied when the Tories got back to power?

The reform of the Death Duties carried out by Sir William Harcourt's Budget of 1894 has been to increase their yield by several millions a year. The figures are :—

| | £ |
|---|---|
| Year ending March 31st, 1894 ... ... ... | 7,578,796 |
| " " 1895 ... ... ... | 8,719,000 |
| " " 1896 ... ... ... | 11,600,000 |
| " " 1897 ... ... ... | 10,830,000 |
| " " 1898 ... ... ... | 11,100,000 |
| " " 1899 ... ... ... | 11,400,000 |
| " " 1900 ... ... ... | 14,020,000 |
| " " 1901 ... ... ... | 12,980,000 |
| " " 1902 ... ... ... | 14,200,000 |
| " " 1903 ... ... ... | 13,850,000 |

We may safely assume that the annual value of Sir William Harcourt's reforms to any succeeding Chancellor of the Exchequer is, at a minimum, five millions.

The Rating Acts are treated as a sort of consolation to the landowners for the "harsh" treatment meted out to them by Sir William Harcourt. Some figures given in connection with the 1898 Budget illustrate what this means. In that year the Death Duties paid on agricultural land was £889,000. The amount paid to the landowners by the Rating Acts is (in round figures) £1,600,000. Because they have to pay 6d., they are given a 1s. Nor is this all. Let us assume that the effect of the 1894 Budget was to double the Death Duties previously payable on agricultural land, and we have this :—

(1) Up to 1894 the landowner paid 3d., until,

(2) In 1894, Sir William Harcourt made him pay the same as other people, which happened to be 6d., so,

(3) In 1896, just by way of consoling him, Sir Michael Hicks-Beach gave him back 1s. !

It is also to be remarked that Sir Michael Hicks-Beach did not in the years of peace remove the additional 6d. per barrel on beer, originally imposed in 1894 by Sir William Harcourt, and re-imposed by him in 1895. On both these occasions the tax was resisted by the Tory party. On June 26th, 1894, the clause in the Budget Bill relating to the Beer Duty was carried by 289 to 271 (majority 18), whilst in 1895 the resolution re-imposing the duty was carried by 230 to 206 (majority 24). Yet in spite of this opposition on the part of the Tories whilst out of office, their Chancellor has calmly kept on the tax to which such objection was taken. More, he has, to meet the War Bill, actually put on a whole extra shilling. We do not blame him for that, but his action is the strongest possible commentary on the Tory opposition to the 1894 Budget.

In one respect the Budget of 1894 has been whittled down in the interests of the rich man. Sir Michael Hicks-Beach carried in the Budget of 1896 a clause providing that no Death Duty need be paid on that part of an estate which consists of pictures, prints, books, manuscripts, works of art, or collections of national, scientific, or historic interest.

# TAXATION IMPOSED AND REMITTED, 1895-1903.

## I.—Taxation Imposed.

| | | *Yearly Yield.* |
|---|---|---|
| | | £ |
| 1896-7. | Cocoa Butter ... ... ... ... | 6,500 |
| 1897-8. | *Nil.* | |
| 1898-9. | *Nil.* | |
| 1899-1900. | New Stamp Duties ... ... ... | 542,000 |
| | Increased Wine Duties ... ... ... | 298,000 |
| | Spirits imported in bottles ... ... | 40,000 |
| 1900-1. | Duties on Beer (1s. per gallon) and Spirits (6d. per gallon) ... ... | 2,868,000 |
| | Tea (2d. per lb.) ... ... ... ... | 2,000,000 |
| | Tobacco ... ... ... ... ... | 1,322,000 |
| | Income Tax (8d. to 1s.) ... ... | 9,700,000 |
| 1901-2. | Coal ... ... ... ... ... | 2,000,000 |
| | Sugar ... ... ... ... ... | 5,500,000 |
| | Glucose ... ... ... . ... | 80,000 |
| | Income Tax (1s. to 1s. 2d.) ... ... | 5,000,000 |
| 1902-3. | Corn ... ... ... ... ... | 2,500,000 |
| | Income Tax (1s. 2d. to 1s. 3d.) .. | 3,000,000 |
| 1903-4. | *Nil.* | |
| | | £34,856,500 |

## II.—Taxation Remitted.

| | | £ | £ |
|---|---|---|---|
| 1896-7. | Modification of Estate Duty:— | | |
| | (*a*) Exemption of objects of National, Scientific or Historical Interest ... | 10,700 | |
| | (*b*) Other concessions ... | 100,000 | 110,700 |
| | Reduction of Land Tax from 4s. in the £ to 1s. on the annual value of land subject to Land Tax ... | | 85,000 |
| 1897-8. | *Nil.* | | |
| 1898-9. | Further graduation of the Income Tax ... ... | | 130,000 |
| | Re-arrangement of Land Tax ... | | 110,000 |
| | Reduction of Tobacco Duty ... | | 1,400,000 |
| 1899-1900. | *Nil.* | | |
| 1900-1. | *Nil.* | | |
| 1901-2. | *Nil.* | | |
| 1902-3. | *Nil.* | | |
| 1903-4. | Income Tax (4d.) ... ... | | 10,500,000 |
| | Corn Tax ... ... ... | | 2,500,000 |
| | | | £14.835,700 |

### III.—Summary.

| | £ |
|---|---|
| Total Taxation Imposed ... ... ... | 34,856,500 |
| „ „ Remitted ... ... ... | 14,835,700 |
| Net Imposition | 20,020,800 |

During this period the amount of the revenue has gone up enormously:—

| | £ |
|---|---|
| Revenue, 1894-5 ... ... | 94,684,000 |
| „ 1903-4 (*estimated*) | 144,270,000 |
| Increase ... | 49,586,000 |

## TORY TAXATION.

Though the war is over, two-thirds of the war taxation remain—to meet the enormous increase in the normal national expenditure. During the war the Tory Government increased the Income Tax (from 8d. to 15d.), increased the existing taxes on Tea, Tobacco, Beer and Spirits, and imposed new taxes on Sugar (*1901*), Coal (*1901*), and Corn (*1902*). Of them all remain, with the war over, except 4d. of the extra 7d. of the Income Tax (left at 11d.) and the Corn Tax. A little over 20 millions a year is left of the war taxation, now become permanent, divided as follows (we take the yield in 1902–3):—

| Indirect Taxes. | £ | Direct Taxes. | |
|---|---|---|---|
| Tea ... ... ... | 1,992,000 | | |
| Tobacco ... ... ... | 1,382,000 | | |
| Spirits ... ... ... | 1,079,000 | | |
| Sugar ... ... ... | 4,477,000 | Income Tax ... ... | £7,607,000 |
| Coal ... ... ... | 1,992,000 | | |
| Beer ... ... ... | 1,773,000 | | |
| Glucose ... ... ... | 90,000 | | |
| | £12,785,000 | | |

The new taxes are sometimes justified on the ground that the "basis of taxation is in this way "broadened"—a specious phrase frankly explained for us by a Tory paper, the *Yorkshire Post* (*April 24th*, 1903):—

"For good or for ill, Mr. Ritchie has made it impossible for future Governments to put a duty on imported corn. . . . The abolition of the corn duty, we have no hesitation in ascribing to the by-elections. A year ago it was the intention of the Government to broaden the basis of taxation, which, of course, meant to place a larger share upon the masses."

That is what has happened. The large proportion of indirect taxation means that the larger share of it falls upon the masses.

## THE SUGAR DUTY (1901).

By the Budget of 1901 a duty was placed on refined sugar of 4s. 2d. per cwt. thus allowing a margin of 6d. to permit of the extra cost to the consumer not being raised more than a halfpenny; whilst duties of varying amounts were placed on various articles containing sugar, the idea being, as far as possible, to hold the balance equal between the British and foreign manufacturers using sugar as a raw material. For it is important to note that sugar is now very largely used in manufacture—in confectionery works, in jam making, chocolate making, cake making, and biscuit making, as well as in brewing and distilling. The number engaged in such work is exceedingly large.

In his 1901 Budget speech Sir M. Hicks-Beach stated that the average consumption of sugar is 56 lb. per head per annum. In a labourer's family the consumption of sugar is a pound a head per week. In a family of six persons a tax of a halfpenny a pound means an increased weekly expenditure on sugar alone of 3d. a week. The extra cost of jam and other food, of which sugar is a large constituent part, almost certainly raises this extra burden of taxation to 4½d. per week.

A tax of 4½d. a week is very little to a rich man; it is very much to a man earning 15s. a week, and there are tens of thousands of families in Great Britain and Ireland where the weekly earnings are even below this figure. It is true that an agricultural labourer pays no income-tax, but nearly half the national revenue from taxation is provided by the taxes which the working classes already pay on tea, coffee, cocoa, dried fruits, beer, spirits, and tobacco. On 15s. a week a tax of 4½d. is the equivalent of an income-tax of 6d. in the £.

## THE COAL TAX (1901).

By the Budget of 1901 a tax of 1s. per ton was placed on every ton of exported coal. The case made against the tax can be summarised as follows:—

1. It is partial and unjust in its incidently falling upon a single industry and only on a single section of that. The collieries producing coal for export are (measured by output) less than a fourth of the whole, and are located for the most part in two industrial districts—South Wales and Northumberland and Durham.

2. It is based upon a reactionary principle. The basis upon which the commercial prosperity of the country has been erected has been that of Free Trade, or "a fair field and no favour." Export duties have all been long ago abandoned.

3. An export duty tends in the first place to check the industry on which it is imposed.

4. Artificial burdens imposed on trade have, however, much more far-reaching effects than a mere diminution of the volume of the trade concerned. A diminished coal export means that the shipping interests and the railway interests are also affected.

It was, however, contended by the advocates of the tax, that it would prove no burden to the British coal trade at all, but that it might

be thrown entirely upon the foreign consumer. It was contended that British coal is indispensable, and that the foreigner, in order to get it, would cheerfully pay any tax that this country may impose. It was suggested that, though British trade might lose some markets, the conditions of the world may conceivably so develop that it may gain others. The trade has increased in the past, and it was suggested that in spite of the extra burden it might continue to increase in the future. At the most, it was argued, the tax might do nothing more than check the increase. This in itself, it was urged, might not be a bad result, as it might economise our coal supply for the future needs of the Empire.

The reply to these arguments is as follows: —

1. British export coal varies vastly in quality from the best Welsh to the poorest Scotch. The conditions of its sale also vary with the accessibility of its markets, and the proximity of competing sources of supply. It is a fallacy to speak of it as a uniform product, sold at a uniform price, under uniform conditions. *Some* of it may defy competition in *some* markets; *all* of it cannot do so in *all* markets.

2. It has suffered severely already from American competition in the West Indies. It is only just holding its own against the same competition in Brazil. American coal has even commenced to eat into the European markets. In the Far East it has been ousted by Japanese and Australian coal. In the Baltic it contends with that of Germany. These facts indicate that there are points in the world's markets at which the extra shilling may turn the scale as against British competition, at any rate, in regard to the less superior varieties of coal. It is not seriously contended that this will take the export trade—but it would, at any rate, be sufficient to restrict its area, and therefore diminish the output.

3. The suggestion that the course of events may disclose future compensating forces to make good the losses thus incurred is purely speculative. The handicap that results from the extra burden is certain, and the only question is as to the extent to which it will operate.

4. The amount of coal conserved by a shilling tax will not enable the Empire to carry on, as a going concern, for any appreciable time longer than it would otherwise do. In any case, it is unfair to throw the burden of such a measure of national policy upon those at present working export collieries.

It is to be noted that the Government refused to accept an amendment to make the royalty owner pay a share of the tax. There are three interests concerned in the mining industry. The royalty owner, who risks nothing and does nothing, but is secure of gain; the man of business who undertakes to work the coal; and the miner whose labour is the immediate means of rendering it saleable. When a toll has to be taken on the mineral wealth who shall contribute to it? Anybody and everybody, answer the Government, except the royalty owners, who alone are secure of profit. The royalties are worth something like £6,000,000 a year, but the royalty owner must go unscathed. So say the Government. But if we listen to reason, common-sense, and just policy, in levying this tax we ought to make the well-fed drones of the mining industry disgorge some of the spoil which they exact from the working bees.

## THE CORN TAX (1902).

The Corn Tax of 1s. a quarter on corn (with an equivalent duty on flour) was imposed by the Budget of 1902—to be taken off in the Budget of 1903. Mr. Ritchie in announcing its repeal said:—

"Corn is in a greater degree a necessary of life than any other article. It is a raw material, it is the food of our people, the food of our horses and our cattle, and it has a certain disadvantage—that it is inelastic, and, what is worse, it is a tax that lends itself very readily to misrepresentation. I do not think it can remain permanently an integral portion of our fiscal system, unless there is some radical change in our economic circumstances or unless it is connected with some boon much desired by the working classes. It was the last tax that was imposed by my right hon. friend the late Chancellor of the Exchequer, and I know it was imposed with reluctance and only under pressing necessity. In my opinion, being as it is *a prime necessity for life*, it has the first claim to be associated with the large remission of the income-tax of which I have spoken. I therefore propose to remit the corn duty."—(*House of Commons, April 24th*, 1903.)

This was a very satisfactory announcement, and it disposed once and for all the nonsense previously talked about the tax when the attempt was being unsuccessfully made to prove that the consumers did not pay the tax on food. It is only necessary to add some *apologiæ* for the tax from Ministerial sources—before it was taken off:—

**Mr. Balfour.**

"I do not believe that they will object to pay this tax. (*Opposition cries of 'Who?'*) The working men of this country. I do not believe they will object to pay a tax which, in its effect upon them will probably be nothing." —(*House of Commons, April 22nd*, 1902.)

"This tax has the great merit, as we think, of not interfering with trade, of not being difficult to collect, or not losing or wasting any important portion of the amount derived from a people on its way to the Exchequer, and while it has these great advantages it raises the large sum of two and a-half millions for the Exchequer, and we do not believe in its incidence it bears with undue severity on any portion of the population of this kingdom." —*House of Commons, May 13th*, 1902.)

**Sir Michael Hicks-Beach.**

"It may be that attempts will be made to fan these prejudices to flames by a renewal of the cry of taxing the food of the people—a cry which has always seemed to me somewhat absurd, considering that some kinds of wholesome food have always been taxed in our tariff, I cannot myself see that it is more wrong to tax an article that is consumed by a man than to tax the means by which he purchases it. I remember this cry was attempted to be raised last year when I proposed the duty on sugar. I remember that the good sense of the people at large rejected it, and I believe they will reject it again; because I am convinced that they know and feel that, with the high wages of the present day (and *bread so cheap, even in comparatively poor households, I fear, it is sometimes wasted*), the tax I am proposing could at the very worst be but a very trifling contribution on their part to the cost of a war which the great bulk of them approve, and to the ever-increasing charge of the Navy, one of the primary duties it is to protect the food supply of the country."—(*House of Commons, April 14th*, 1902.)

"I can take the right hon gentleman to cottages of agricultural labourers in my own neighbourhood, men who are earning perhaps 13s. a week themselves, and a few more shillings among their families, where you find not only bread, but butter and everything that a man could want, including meat every day, upon the table at dinner."—(*House of Commons, April 22nd*, 1902.)

**Mr. Chamberlain.**

"Sir Henry Campbell-Bannerman told us that this tax had another and a most dangerous aspect. It was the thin end of the wedge. It was the beginning of a new policy, of which he spoke with bated breath and in tones of horror; and what do you think the new policy is to which he thinks this tax may lead? It is the possibility of preferential relations with our colonies. Cobden, whom he professes to follow; Cobden, the great Free-trader, made a reciprocity treaty with France, but the idea of a reciprocity treaty with our children—that fills the mind of Sir Henry Campbell-Bannerman with disgust which he is only able ineffectively to express, and in this he shows once more that lack of imagination, that lack of foresight which distinguishes, and always has distinguished, the Little Englander or the Little Scotchman. We are not going to adopt his fears. At the present moment the Empire is being attacked on all sides, and in our isolation we must look to ourselves. We must draw closer our internal relations, the ties of sentiment, the ties of sympathy—yes, and the ties of interest. If by adherence to economic pedantry, to old shibboleths, we are to lose opportunities of closer union which are offered us by our Colonies, if we are to put aside occasions now within our grasp, if we do not take every chance in our power to keep British trade in British hands, I am certain that we shall deserve the disasters which will infallibly come upon us."—(*Birmingham May 16th*, 1903.)

**Tory Official Leaflet** (C.C.O., January, 1903.—No. 210).

"The real truth of the matter is best summed up in the following words . . . 'The duty amounts to about 3½ per cent. levied **on the foreigner** for the right of supplying the English market. . . . We end the year . . . **with over two millions sterling of foreigners' money in the pockets of our own Chancellor of the Exchequer.**' . . ."

**Liberal Unionist Official Leaflet.**

"The truth is that the Duty has not raised the price of bread, nor reduced the size of the loaf."

## THE BRUSSELS SUGAR CONVENTION.

In the session of 1903 the Government carried the Sugar Convention Bill, approving of the action of the Government in ratifying the Brussels Convention for the Regulation of the world's sugar industry, signed at Brussels on March 5th, 1902, by the representatives of the following powers: Germany, Austria, Belgium, Spain, France, Great Britain, Italy, Holland, Sweden and Norway. This Convention creates a Permanent International Commission to examine the conditions under which the sugar industry is carried on in every country in the world. If the Commission should find that any country is giving a bounty on the production or export of sugar, it will call upon the Contracting Powers to impose an equivalent countervailing duty on sugar coming from that country, or exclude it altogether. As Great Britain is the principal importer of sugar, this provision affects us more than any other country. It means that a foreign Commission, *in which Great Britain will have only one vote*

*out of nine*, will be able by a majority to determine at what rate sugar entering this country is to be taxed. If we dislike the finding of this foreign Commission, the only alternative left open to us will be to prohibit altogether the importation of such sugar. It is the raw material of great and important industries built up on cheap sugar—*e.g.*, confectionery, jam-making, biscuit-making, mineral water manufacture—but by the Convention it will be a foreign Commission which will decide where we are to get our sugar, and at what rate it is to be taxed on entering our ports.

Since we are told that this is all done to secure Free Trade, it may be noted (1) that in the despatch (dated December 12th, 1901) instructing the British delegates, Lord Lansdowne stated that bounties must be abolished "in the interests of the British West Indian Colonies, and of the sugar refining trade in the United Kingdom," whilst (2) in further instructions (January 17th, 1902) our "main reason" is declared to be merely to "come to the rescue of the West Indies." As a matter of fact, the Powers represented at Brussels avow a protectionist motive, by stating in a protocol that one of their objects is "efficacious protection of the market of each producing Power." It is hardly surprising that Free Trade, an object not aimed at, has not been secured. It should be noted too, that the contracting Powers by no means include all the sugar-producing countries. In addition, Russia, Roumania, the United States, the Argentine, Canada, and Australia, all grow sugar, and all protect it by bounties and tariffs.

It is undoubtedly true that France, Germany, and Austria will benefit, both by reduction in bounties and in the price of sugar. But so far as Great Britain is concerned we abandon the one benefit that we have hitherto derived from the Protection policy of the Continent. Nor is it sustainable that we merely assented to the Convention in order to promote international Free Trade. The official papers prove that no agreement would have been reached if we had not—solely in the interest of the West Indies—coerced the Continental Powers. As late as February 24th, 1902, the British delegates report that France and Austro-Hungary cannot agree. On February 25th Lord Lansdowne telegraphs:—

"Should no agreement be come to by the Powers within the course of a few days, His Majesty's Government will be reluctantly forced to withdraw their delegates and submit to Parliament proposals for the taxation of sugar in 1902-3, framed on the assumption that the object of the Conference has not been obtained."

It was this threat of a hostile British tariff that compelled the unwilling Powers to do something in the direction of abandoning a system which was injurious to them and profitable to us. Thus the intervention of the British Government was in no sense a friendly act of international courtesy, intended to help friendly nations out of a difficulty in which their own folly had involved them, but an act of commercial warfare undertaken in the sole interest of the West Indies. We omit the case of the sugar refiners, as indeed the

Government themselves have practically done, and it must be remembered that whilst we refined 591,000 tons of sugar in 1870, the figure for 1901 is 610,000 tons—these being the sugar refiners' own figures.

The truth is that we have taken this action solely to benefit the West Indies. These islands produce a quarter of a million tons of sugar; seven times that amount is consumed in the United Kingdom. If they make more for their one ton, we must pay the increased amount on the seven tons. In order to make their gain equal to our loss, their output must be increased to five times its maximum in the last twenty years. More, of the total West Indian production, only 46,000 tons comes to Great Britain. The rest is sold in the United States, and there it is fully protected by the American countervailing duties. This protection disappears with the ratification of the Brussels Convention, and the West Indians will then be exposed to the full severity of German and Austrian competition, aided by scientific methods and preferential shipping rates.

The effect of the Convention has been admirably summed up by Sir William Holland:—

"This country is committed by the Convention to the principle of countervailing duties, and, by being so committed it is *ipso facto* committed to a policy of retaliation. After resisting retaliation for 50 years, this Government has now adopted it. And what a curious kind of retaliation it is. Retaliation, not for injury done, but for benefits received."—(*House of Commons, November 24th*, 1902.)

## MR. CHAMBERLAIN AND SUGAR BOUNTIES.

The following is an extract from a Board of Trade Memorandum issued in 1881, at a time when Mr. Chamberlain was its President:—

"As the policy of this country has been for many years to prefer the large consuming interest of the whole community to the small producing interest of any single class, the Government was not prepared to recommend any remonstrance to foreign Governments regarding their bounties on the ground of alleged injury to the trading interests of this country.

"Protective duties in foreign countries are even more injurious to the interests of this country than bounties, since they operate no less than bounties to the disadvantage of our producers, whilst, unlike bounties, they confer no benefit on our consumers. If duties are to be imposed to counteract foreign bounties, *a fortiori* they ought to be imposed to counteract foreign protective duties. To impose countervailing duties in order to neutralise indirect bounties would, therefore, be to take the first step in reversing that Free Trade policy which was adopted on the clearest ground of argument, and has conferred immense advantages on the industrial classes of this country."

Mr. Chamberlain also in a speech expressed "regret that the Birmingham Trade Council should allow itself to be made an instrument of what is essentially a class interest":—

"If you were unfortunately to succeed in imposing countervailing duties on foreign sugar, the effect would be that the consumers in this country, principally of the working classes, would, from figures supplied by the sugar refineries themselves, have to submit to a tax of something like one million sterling per annum in order to pay the sum into the pockets of the West Indian planters."

# II.—THE "DOLES."

*"It is to safeguard and protect the interests of our friends, not only while we are in office, but even in the contingency of our being out, that we have acted throughout."*

LORD GEORGE HAMILTON.—Speech in London, November 17th, 1897.

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"It is a policy which is deliberate and of set purpose, a policy, namely, of giving pecuniary relief to certain favoured classes politically useful to the party in power, who receive the subsidy and are expected to be grateful for it, while the funds to enable this to be done are provided in such a manner as to ensure that those out of whose pockets it is to come should be as little as possible conscious of the contribution they are making. But that fact does not make the contribution in the least degree less real or substantial. That is the policy; and I must say of it that within our recollection we have never seen it adopted by any Administration in this country until the present Government came into office. In remote history, perhaps, we should find cases of it, but few, if any, in which it has been done in so unblushing a manner as here, and the worst of it is we have no security that the chapter is yet closed."

SIR HENRY CAMPBELL-BANNERMAN *in the House of Commons, July 20th*, 1899.

## THE "DOLES" AT A GLANCE.

| Year. | By What Act. | To Whom Given. | Yearly Amount. |
|---|---|---|---|
| 1896 | The Rating Acts. England & Wales | Agricultural Landowners (principally) | £1,333,000 |
| | Scotland | | £280,000 |
| 1897 | Voluntary Schools Act * | Denominational Schools | £600,000 |
| 1898 | Irish Local Government Act | Agricultural Landowners (direct) | £300,000 |
| | | ,, Tenants | £427,000 |
| 1899 | Clerical Tithes Act | Clerical Tithe Payers | £105,000 |
| 1901 | Agricultural Rates, etc., Continuance Act | Renewing Doles of 1896 and 1899 until 1906 | — |

### (1) THE 1896 "DOLE."—£1,613,000 A YEAR TO ENGLISH AND SCOTCH LANDOWNERS.

By the English and Scotch Rating Acts passed in the Session of 1896 an annual sum of £1,613,000 was voted away, nominally in relief of agriculture but really in relief of the landowners. Their pockets must be the ultimate and inevitable destination of the money. We deal fully elsewhere with the Acts. (For the Agricultural Land Rating Act, England and Wales, see page 35; and for the Rating Act, Scotland, see page 186.)

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* Repealed by Education Act, 1902.

### (2) THE 1897 "DOLE."—£600,000 A YEAR TO THE DENOMINATIONAL SCHOOLS.

That was what was achieved by the Voluntary Schools Act passed at the beginning of 1897. This Act is fully dealt with in the Education Chapter at page 60. It was repealed by the Education Act of 1902 (see page 65).

### (3) THE 1898 "DOLE."—£727,000 A YEAR TO IRISH "AGRICULTURE."

By the Irish Local Government Act, passed in 1898, a sum of £727,000 a year was given to Ireland in relief of agricultural rates. What the Act did was as follows :—

| | *Before Act.* | *After Act.* |
|---|---|---|
| Poor Rate. | ½ Landlord.<br>½ Tenant. | ½ State.<br>½ Tenant. |
| County Cess. | Tenant. | ½ State.<br>½ Tenant. |

We need hardly say that Liberals very heartily welcomed the extension of the privileges of local government which were given to England as far back as 1888, and to Scotland a year or two later. But whilst this is so, that furnished no justification for spending the sum of £727,000 in the way in which it was spent by the Government Bill, the more especially as £300,000 of it goes straight into the pockets of the Irish landowners. The object of this huge gift was clear. Mr. Gerald Balfour said "it would have been hopeless for them to try to pass so complicated and so difficult a Bill as this unless some such financial arrangement had been made." On another occasion, when a Liberal member moved an amendment on the report stage, Mr. Gerald Balfour said :—

"No one knew better than the hon. member that if this clause was to be rejected the rest of the Bill would go with it. That being so, and holding the views which the hon. member had expressed, he ought to have voted against the second reading of the Bill. For a small section of the House to raise this question again and again on the Committee stage and on the Report stage was nothing less than a downright waste of the time of the House. He expressed the hope that the friends of the Bill would not add to that waste of time by taking the trouble to answer the arguments of the hon. member and his friends on a matter which the House had decided over and over again."—(*House of Commons, July 12th*, 1898.)

The flagrant character of this transaction was well pointed out in a speech made by Mr. Thomas Shaw, the Scotch Solicitor-General in the last Liberal Government. The following is a complete and sweeping indictment against the financial clauses of the Bill, and we quote it on that account :—

"The right hon. gentleman talked of an arrangement in regard to the financial parts of the Bill. He had never been and never would be any party to an arrangement of this kind, which in substance seemed to be in the nature of a corrupt bargain, and which in the result appeared to be productive of much social mischief, if not social disorder. The right hon.

gentleman said that the clause did not propose to hand over the money to the landlords. Technically that was so. Now and for all time the landlords were to be written out of the list of ratepayers in Ireland, and the money required for that purpose was to come out of the Imperial Treasury. All authorities were agreed that the best system of local rating was that which imposed burdens equally on landlord and occupier. It brought landlord and tenant together on every proposal for expenditure, and it gave them a common interest and responsibility. That system was now to be abandoned in Ireland. The poor-rate was to fall on the occupier and not on the landlord, and the former was no longer to be entitled, as hitherto, to deduct the rate from his rent. . . . There was another point of great importance to Ireland. In future all increase of the expenditure would fall, not upon the landlords at all, but upon those who very often would be the least able to bear it. Expenditure would be increased, not by extravagant methods, but by natural development and the adoption of modern ideas; and a bargain had been made that for all time this increased expenditure—augmented by the artifices of the Bill—was to fall solely on the tenants. The situation was unsound financially, and from a social point of view it was cruel to Ireland, by tearing asunder the community of interest between classes. It was not true to say, either, that the landlords would not benefit from the future expenditure under this Bill. It could not be denied that it would enormously increase the value of property."—(*House of Commons, July* 14*th*, 1898.)

It should be added that it was not denied by the Irish members that the grant of this money to the Irish landowners was quite indefensible. Mr. Dillon, who had on a previous occasion spoken of it as a "flagitious waste" of public money, said:—

"The Government told them this was the price they had to pay for the extension of Local Government to Ireland, and though they thought it was a scandalous arrangement, they agreed to pay the price rather than run the risk of losing this great measure of emancipation for their people."—(*House of Commons, July* 12*th*, 1898.)

We take from the *Daily News* the following table showing the sums receivable by Irish landowners under the Act. (Valuation of 1873 from Thom's Directory; 25 per cent. taken off that valuation for agricultural depression.) Average Poor Rate (Ireland) 1s. 4½d. in the £:—

| Landowner. | Rental. | Dole.* | Motto. |
|---|---|---|---|
| | £ | £ | |
| Duke of Abercorn | 26,852 | 895 | |
| Mr. A. H. Barry-Smith, M.P. | 24 309 | 810 | |
| Marquis of Conyngham | 24,508 | 816 | Over fork over. |
| Duke of Devonshire | 25,745 | 858 | |
| Marquis of Downshire | 68,642 | 2,288 | By God and my sword have I obtained. |
| Earl Fitzwilliam | 35,775 | 1,192 | Let the appetite be obedient to reason. |
| Marquis of Lansdowne | 23,652 | 788 | |
| Lord Clanricarde | 15,617 | 520 | |

* *i.e.* half of Poor Rate remitted by Act.

In other words the Act is a perpetual annuity of £858 to the Duke of Devonshire, of £788 to the Marquis of Lansdowne, of £520 to Lord Clanricarde. And the Duke and the Marquis are members of the Cabinet which introduced the Act!

(4) THE 1899 "DOLE."—£105,000 A YEAR TO THE CLERICAL TITHE PAYERS.

The next of the series of doles was to the clerical tithe-payers, given in the Clerical Tithes Act, suddenly and hastily introduced, and passed under somewhat remarkable circumstances at the end of the session of 1899. By its provisions the ten or eleven thousand incumbents who pay in rates on their tithe rent-charge, now pay one half, the £105,000 a year thus lost to the rates being taken from the taxes (the Local Taxation Account). The Act was indefensible for the following (amongst other reasons):—

(*a*) *The measure relieved tithe rent-charge of a liability it had borne (either as tithes or tithe rent-charge) since the days of Queen Elizabeth.*—We do not say this on our own authority, but on that of the Chancellor of the Exchequer. Speaking in a debate in the House of Commons, Sir Michael Hicks-Beach said:—

"I must say that I regret that in the course of the discussion of this matter in the country, suggestions and requests have been made to her Majesty's Government which point to nothing less than the exemption, not merely of tithe rent-charge, but of the whole income of the clergy from local taxation. I do not believe that any such proposition as that is a practicable proposition, or would be in the smallest degree just to the other classes of the community. But tithe rent-charge and glebe land have been subject to local taxation since the days of Queen Elizabeth. It is all very well to say that the clergyman ought not to be taxed in this way more than the lawyer or the doctor; but, as a matter of fact, he has been taxed in this way for centuries past, and it is not, I think, a practicable proposition to suggest to Parliament or to ask the Government to remove local taxation from property which has been so long subject to it, at the cost either of the other ratepayer or of the ratepayers generally."—(*House of Commons, June 6th*, 1898.)

It may be urged that all these centuries the clergy have been unjustly rated. But have they? It is the fact that in the first instance tithes were paid (1) to support the clergy and (2) to relieve the poor. Now that *all* the tithe goes to the clergy they ought not to grumble at having to pay rates on it.

(*b*) *The clergy have actually been provided with money with which to pay these rates.*—Up to the year 1836, the year of the Tithe Commutation Act, tithes were paid in kind. This was a cumbrous and inconvenient process which led to great difficulty, and the State stepped in and gave to the tithe-owner, instead of a right to tithes in kind, an equivalent right to a money payment, to be called tithe rent-charge. This money payment was not to be a fixed sum, but was to vary with the price of corn. Since that time the value of £100 of tithe rent-charge as fixed in 1836 has been as high as £112, though at the present time its value has fallen to about £68. It had been a very common custom for the tithe-payer also to pay the rates on the tithe.

Farmers, for instance, on tithes worth £500 a year would pay £100 in rates, and would deduct this from the £500 when they paid the tithe-owner, who would thus get £400. The Commutation Act provided that the obligation of paying rates should for the future be on the tithe-owner, and accordingly the tithe rent-charge was fixed not at £400, but at the £400 added to the £100 previously paid by the farmers in rates. This left the tithe-owner – that is to say the incumbent – in just the same position as he had been before. His tithe rent-charge was £500, and out of this he had to pay £100 in rates, leaving him with the £400 which came to him before the Act. This may be taken as practically a typical case, since at that time rates were nearly 4s. in the £, those being the days, be it remembered, of the unreformed Poor Law. The interim report of the Local Taxation Commission on this point says :—

"The Tithe Act of 1836 provided that the tithes be commuted either voluntarily by the tithe-owners and land-owners of the parish, subject to certain conditions and restrictions, or else compulsorily by the Tithe Commissioners, the Act in the tithe case directing the mode of conversion to be as follows :—

"(1) To find the clear average annual value of the tithes of each parish, after making all just deductions on account of the expense of collecting, preparing for sale, and marketing, where such tithes had been taken in kind, during the seven years preceding Christmas, 1835.

"In estimating this no deductions were allowed on account of any rates, or charges, or assessments to which the tithes were liable, and where the tithes had been compounded for on the basis of the tithe-payers paying the rates, the Commissioners were directed to make such additions to the composition as would be equivalent to the rates paid."

(*c*) *The Act gives most relief where least was needed.*—It was said that the Bill ought not to be opposed out of consideration for the sufferings of the distressed clergy. But under the Act the "fat" livings get the most. The Act gives £105,000 a year to 11,000 clergymen—an average of £10 a head. It is safe to assume that the really poor clergyman does not get more than £3 or £4! It was just the same in the case of the Rating Act—there the poorest land got the least relief, and the richest land most. It is a defect inseparable from legislation of this kind.

(*d*) *The measure is defensible only on the theory that the clergy are and ought to be State paid.*—The argument from rating breaks down, inasmuch as it is not all tithe rent-charge that is to be relieved, but only tithe rent-charge paid to the clergy. It is then said that the clergy ought not to be rated on their professional income—an argument admirably answered by the *Guardian* (June 28th, 1899). It was the *Guardian* which openly set out the only intelligible defence of the Act :—

"The clerical tithe-owner is the possessor of an endowment, and so far he is liable to be rated ; but in return for his endowment he is bound to discharge certain duties to his parishioners. So much of his tithe as may fairly be set against these duties has an analogy, to say the least, to professional income, and may justly and reasonably claim the same exemptions."

But this defence, though intelligible, was also most damaging. It made the Church dependent upon the State, and it assumed that the people of this country by not interfering with the Establishment are willing to make themselves responsible as a State for clerical incomes. They are no more willing to do so than they would be if the clergy were Wesleyan ministers or Salvation Army captains

(5) THE 1900 "DOLE."—£50,000 A YEAR (out of the Irish Church Fund) TO IRISH TITHE PAYERS.

It was a point of honour with the Government, in the Parliament of 1895 to 1900, to give at least one dole every year. In a Session when Mr. Balfour declined to grant any facilities for the passing into law of a measure which would have prevented young children being sent to public-houses, and so have kept them from the temptations connected therewith, several days were spent in passing into law the Tithe Rent Charge (Ireland) Bill. Briefly it rips open the settlement arrived at in 1872, provides for the future that rent-charge shall vary as the price of rent instead of as the price of corn, and in the result takes from the annual income of the Irish Church Fund a sum estimated at £50,000 a year. This is a Bill for which the Irish landowners have long wished, and possibly it is now given to signalise the accession to the ranks of the Government of two such prominent Irish Unionists as Lord Londonderry and Sir E. H. Carson. The case against the Bill was admirably stated by Mr. Asquith on the third reading :—

"There is one circumstance connected with the selection of this particular standard of judicial reduction—what I will call the standard of confiscation—which I think the House ought to learn, because I believe it explains the whole of this Bill. The only ground upon which the Bill can be logically based is that it is an instalment of compensation to the landlords for the reduction of rents which have been made under Act of Parliament. I cannot myself see any other ground on which the fall in judicial rents should henceforth be treated as the basis of the tithe rent-charge. I will refer hon. gentlemen opposite, and particularly right hon. gentlemen, to a speech of the Duke of Devonshire the other day. He pointed out that the actual economic fall in rents measured by experience in this country is as great as, and in many cases far greater than, the compulsory reductions which have been made by the land tribunals in Ireland. He might also have pointed out—his audience was particularly appropriate for the purpose—that so far as these excessive rents, which have been reduced by the compulsion of the Court, were based upon the appropriation by a landlord of the value put by a tenant, through his industry and capital, into the land, they were morally and politically indefensible. And, further, I will venture to say that the reduced rents now paid by the tenants and received by the landlord ought to be regarded as salvage from the social and economic wreck which the landlords themselves have caused. . . . In so far, then, as this Bill is an attempt to compensate the landlords of Ireland indirectly for the reductions which in consequence of their action they have had to sustain in their rents, it ought to be repudiated by this House. I say this Bill offends equally against the rules of common justice and sound finance. It tears up a statutory contract without adequate reason and without any compensation.

It impairs not only by what it does, but still more by the example it sets, the security of the Irish Church Fund. It introduces as the basis and standard of variation in tithe the fall in judicial rents, which is either wholly irrelevant or illogical. On these grounds the Bill is deserving of the condemnation of Parliament."—(*House of Commons, July 16th*, 1900.)

## V.—The 1901 Renewal of the Agricultural and Clerical Doles.

The Doles Continuation Bill was brought in (under the Ten Minutes Rule) on July 18th, 1901, and read a first time. As introduced it made permanent the following Acts, expiring in March, 1902:—

(1)—The Agricultural Rates Act, 1896,
(2)—Tithes Rent Charge (Rates) Act, 1899,
(3)—The Two "Relief" Acts for Scotland,
(*a*) 59 and 60 Vict. Chapter 37.
(*b*) 61 and 62 Vict. Chapter 56.

Sir Henry Campbell-Bannerman made a strong protest against using the Ten Minutes Rule over such a highly contentious Bill, and as to the Bill itself said:—

"We have the further objection that we urged that this relief which was alleged to be given and which should be given to the *bonâ fide* occupiers and tenants must redound to the benefit of the landlords. I remember that this theory of it was explained by a distinguished member of the present Government in terms more clear than any of us adopt. He said that any proposal to relieve the rates of the occupying tenant would be merely robbing Peter to pay Paul, and to do so in the worst possible way, because Peter would be the landless millions of the country, and Paul would be the great landowners who were ready to shift the permanent burden on the less fortunate of their fellow-countrymen. That was the opinion of one of the most distinguished members of the Government—the Colonial Secretary.

"Mr. Chamberlain: Who says that I ever said that? I would like to inquire whether I rightly understand what the right hon. gentleman said. He said, as I understand him, that while I was a member of this Government——

"Sir H. Campbell-Bannerman: No.

"Mr. Chamberlain: Oh, I understood that the right hon. gentleman said that I used the words as a member of the Government when the Act was passed.

"Sir H. Campbell-Bannerman: No. What the right hon. gentleman said——(*cries of* 'When?) In 1883. What the right hon. gentleman said was: 'Lord Salisbury coolly proposes to hand it (the produce of certain new duties he advocated) over indirectly, if not directly, to the landlords of the country'—what does it matter from what source?—'in the shape of a contribution in aid of local taxes. I must say I never recollect any public man propose in a franker, I might even say in a more audacious, manner to rob Peter to pay Paul. And what makes it worse is that in this case Peter is represented by the landless millions who have no other wealth than their labour and their toil, while Paul is the great landlord with 20,000 acres who is seeking to relieve himself of his share of taxation by shifting it on to the shoulder of his less fortunate countrymen.' Two years later the right hon. gentleman said of this same proposal to give something in relief of rates on agricultural property: 'It may enable the landlord to extract a higher rent. There is only one thing that can benefit the farmer, and that is a fair rent

fixed by an impartial tribunal.' Those were the old doctrines, the sound doctrines, the doctrines of the right hon. gentleman before he got into his present company. Now the answer that was made to us when we used this argument against the Bill was that, as a matter of political economy, this result would not take place, because the Bill was a temporary measure, and it would not reach that position when the benefit would pass to the landlord. But now we are making it a permanent measure. The sole argument against the theory that relief given in this way to the tenant goes to the landlord disappears now. So that if this were a contentious matter five years ago it is infinitely more contentious now, because it is more serious."—(*House of Commons, July 18th*, 1901.)

In the interval between first and second reading a compromise was arranged between the two Front Benches, as the result of which the various Acts were renewed for a further term of four years. There was a second reading debate on July 29th, 1901, when Mr. George Whiteley moved an amendment which was beaten by 118. Mr. Caine's motion (on August 1st, 1901) to omit the Clerical Tithes Act was lost by 159 to 94.

## III.—GOVERNMENTS AND TRADE.

Except when they are arguing for a return to Protection, Tories are very fond of claiming credit for the present condition of trade. They point to the trade returns as proof positive that Toryism and good trade are one and the same thing. But are they?

(1) Let us go back a little and see what the condition of trade was before 1874. Mr. Gladstone was in power from 1868 to 1873. During that period trade advanced by leaps and bounds, from 522 to 682 millions, a rise of 160 millions. This was under a Liberal Government. Such a time of prosperity the nation had never known. But in 1874 the Conservatives came into power. The Beaconsfield Government lasted until 1880. Its history is an unbroken record of disaster from the trade point of view. All historians of that period, to whatever party they are attached, bemoan the long commercial depression; and with very good reason, for under the Beaconsfield Administration our trade declined from 682 to 612 millions, a fall of no less than 70 millions. When Mr. Gladstone returned to power, after the overthrow of Lord Beaconsfield, trade rose from 612 millions to 698 millions within twelve months. This was a rise of 86 millions. In 1883 it rose to 732 millions. Until this present time in which we are living trade has never been so prosperous under Conservative as under Liberal Governments.

(2) Again, if the Tories claim to be able to make trade good, they must be able to keep it good. Yet trade went down in 1891 and 1892, the last two years of the last Tory Government; whilst returns show that the present wave of prosperity began before the last Liberal Government left office.

(3) The Tories themselves, who know most about the question, admit that they are not able to control trade. Sir Michael Hicks-

Beach, the late Chancellor of the Exchequer, very frankly admitted in 1896 that the Tory party could not claim credit for the improvement in trade which has gone on since the last General Election :—

"In the first and second quarters of last year there was an increase of £3,917,000 over the corresponding quarters of the previous years. In the third quarter of last year there was an increase of £2,153,000—that was the best quarter of all ; but in the last quarter of the year there was an increase of only £1,220,000 over the corresponding quarter of the previous year. (SIR W. HARCOURT : Hear, hear.) I did not think that anyone would be irreverent enough to say that the vast increase in the earlier part of the year was due to expectations from the present Government which have now been disappointed. I thought I rightly interpreted the cheer of the right hon. gentleman, *but in my belief these variations have nothing whatever to do with Governments and politicians.*"—(*House of Commons, April 17th*, 1896.)

(4) The Duke of Devonshire has emphasised the same thing: —

"Most of all the Prime Minister himself . . . must watch with unceasing anxiety the prospects of this and other great industries of the country. I doubt very much whether it is in the power of any Government to do much more than watch them, and I think that it would be *an unfortunate delusion* if it were to come to be supposed that any Government could do much more. The navigator and the agriculturist watch with unceasing anxiety the rise or the fall of the barometer and endeavour to obtain from it some indications as to the weather, on which the safety and success of their operations depend, and guide their efforts either in the direction of action or precaution accordingly. And the statesman may also—ought also—to watch the signs of the prosperity or the depression of trade and pursue a bold or prudent policy in accordance with those signs. But as neither the sailor nor the farmer can exercise any influence upon the causes which produce the rise or the fall of the barometer, so *I do not think that it is in the power of any Government to exercise much influence on the causes which produce good or bad trade.* This analogy, as in many similar cases, might lead me too far, because I quite admit that, while it is not in the power of any government, in my judgment, to produce those causes which bring about a prosperous condition of trade, it may be quite possible for a Government by an unwise policy or by the encouragement of legislative fallacies to do a great deal of injury and to impede progress ; but I hold the analogy is a tolerably accurate one, and that *Governments will do well to discard the idea that it is in their power to do very much to promote the interests of trade and to remove from their friends and supporters the expectation that they can do so.*"—(*British Iron Trade Association, June 7th*, 1899.)

After this we really hope Unionists will cease from claiming the credit of good trade—now that the claim is (in the Duke's words) an "unfortunate delusion."

(5) In 1846, when Free Trade was first adopted, the value of our foreign trade was 150 millions per annum, or £5 10s. per head. At the end of last century the figures were 878 millions, or £21 8s. 3d. per head, showing an increase in annual trade of 728 millions, or £15 18s. 3d. per head. Of this increase 496 millions took place under Liberal as against 232 millions under Conservative Governments, while the increase per head of population was £13 13s. 11d. under Liberal and only £2 4s. 4d. under Conservative Governments.

CHAPTER II.

# AGRICULTURE.

## I.—THE TORY PROMISE.

"Our policy is (1) to relieve the land from the unfair and the excessive burdens which have been placed upon it by recent legislation. We desire to deal with the question which was touched upon by your chairman and to make it impossible that (2) unfair and preferential rates shall be given to foreign produce in competition with home grown produce. We want to see (3) that the tenant farmer has every possible security that can be given to him for valuable improvements which he makes with his own money. We want (4) to place the landlord, if possible, in a position to make those improvements which the tenants ordinarily look to the landlord to make, and we want (5) to give to the farmers the facilities which are possessed by the tenant-farmers in Ireland of becoming the owners as well as the tenants of their lands."

**Mr. Chamberlain** at RUGBY,
General Election, 1895 (*July 22nd*).

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"The protection of agricultural tenants in their improvements . . . the easing of the heavy burden under which British agriculture is sinking . . . are some of the subjects on which the labours of a Unionist Government and of the Unionist party may well be expended. In respect to all of them something, in respect to some of them much may, I believe, be done."

**Mr. Balfour,** 1895 Election Address in
EAST MANCHESTER.

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"VII. The extension of small holdings."

**Mr. Balfour's** EAST MANCHESTER Election
Card, General Election, 1895.

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"I attach great importance to the amendment and simplification of the Agricultural Holdings Act . . . and I should be glad to see greater facilities given to smaller cultivators to become the owners of the soil they occupy. In the constitution and personnel of the new Government all classes concerned in the cultivation of the land have a full guarantee that questions affecting their industry will be kept steadily in view."

**Mr. Walter Long,** Minister of Agriculture,
1895 Election Address in LIVERPOOL (WEST DERBY).

"Lord Salisbury, by appointing a Cabinet Minister to the Board of Agriculture, has proved that he intends this question to occupy a foremost place."

**The Marquis of Carmarthen, M.P.**, Treasurer of the Household, 1895 Election Address in BRIXTON.

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"With the majority, which he hoped would be theirs, foremost among the questions which they would have to discuss would be the position of one of the greatest interests to this country—the interests of agriculture."

**Mr. G. J. Goschen**, at EAST GRINSTEAD, General Election 1895 (*July 10th*).

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"The inclusion of the new Minister of Agriculture in Lord Salisbury's Cabinet is a satisfactory proof of the sincerity of the Government to seek a remedy for the lamentable depression in that national industry which has so long and unhappily prevailed."

**Viscount Weymouth** (now the Marquis of Bath), late Tory M.P., 1895 Election Address in FROME.

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## II.—WHAT THE TORIES HAVE DONE.

At the General Election of 1895 the country districts were placarded with injunctions to "VOTE FOR JONES AND BETTER TIMES" where Jones was the Tory candidate. Mr. Chamberlain has admitted that an analysis of Tory Election addresses shows that the commonest promise was "Relief to Agriculture." This promise, moreover, Mr. Chamberlain claimed (at Manchester on November 15th, 1898) that the Government have "amply fulfilled," urging that the Rating Act gave Ministers a "clear bill" with regard to the agricultural classes. We have only to turn to the Tory promises and to Mr. Chamberlain's speech at Rugby in 1895 (see page 33) to see how audacious this is. The fact is that Ministers have been busy explaining that the Legislature is incapable of getting the "better times" so universally promised at the General Election. In August, 1895, Lord Salisbury wrote to Lord Winchilsea, recalling a previous speech in which he had dilated on the limited powers of Parliament in this matter—a speech conveniently overlooked when Lord Salisbury's supporters went electioneering. This was admitted by the *Times* in an article on December 13th, 1895:—

"The reproach levelled at the Unionists by Sir Henry Campbell-Bannerman, of encouraging hopes among the agricultural classes which it is now impossible to fulfil, has a certain justification in language used before and during the election by some of the rank and file. The Unionist leader was usually prudent enough to avoid compromising pledges."

So the Tory cue has been (1) to explain that they cannot be expected to achieve the impossible—*i.e.*, make agriculture prosperous, and (2) to claim all kinds of credit for such measures as the Rating Act. Mr. Walter Long had not been six months in office before protesting (at Liverpool, in October, 1895) that "the present or any Government"

could not "restore prosperity or raise prices." Sir M. White (now Lord) Ridley (at Blackpool, on August 10th, 1897) declared that from his heart he believed that "by legislation they could not expect permanently to improve the condition of agriculture in this country." Yet in February, 1895, Mr. Jeffreys, supported by the entire strength of the Unionist Opposition, tried to turn out the Liberal Government for its failure to relieve the depressed agricultural interest. Mr. Balfour on that occasion talked of our "being face to face . . with an agricultural . . . crisis which does require us to consider anew . . . all the circumstances affecting our social conditions." The Government may have "considered" these circumstances, but it has certainly done nothing to alter them.

## THE RATING ACT (ENGLAND AND WALES) OF 1896.

The Rating Act (England and Wales) of 1896 was notable as being the first of the measures introduced by the Government to give "doles" to their own particular friends—in this case the landowners. The circumstances attending the introduction of the Bill were exceedingly curious. The late Liberal Government had appointed a Royal Commission on Agricultural Depression, two of the Commissioners being Mr. Chaplin and Mr. Long, who in 1895 became Tory Ministers. Early in 1896 most unexpectedly this Commission presented an interim report, urging that it was necessary at once to "relieve" agriculture by reducing the amount of rates paid on agricultural land. It would be supposed that a Royal Commission would not recommend a scheme without having made some enquiry into it, and without giving opportunity to persons interested in other property to make their views known and to have their objections stated; that has been the general rule with Royal Commissions. But in this case no enquiry whatever was made into the subject by the Commission; no witnesses were called to give evidence for or against the scheme; and no opportunity was afforded to anyone to state their objection in principle or in detail to the scheme which has been recommended by the Commission. The scheme, which was hatched at the Local Government Board by Mr. Chaplin and Mr. Long and some other members of the Commission, was sprung upon the Commission at the last moment and was carried by the majority with the utmost haste with a view to immediate legislation in the Session of 1896. The general order, therefore, was reversed. Instead of the legislation being the result of the report of a Royal Commission, the report of the Commission has been due to legislation having been decided upon, and to its being thought expedient to bolster up a bad scheme by some kind of authority.

### WHAT THE RATING ACT DOES.

For a period of nine years from March 31st, 1897 (for the Act of 1896, originally to expire in 1902, was renewed in 1901 for a further period of four years—see page 30), the occupier of agricultural land in England and Wales is liable, in the case of every rate to which the Act

applies, to pay one half only of the rate in the pound payable in respect of buildings and other hereditaments. The Act applies to every rate as defined by the Act, except a rate—(*a*) which the occupier of agricultural land is liable, as compared with the occupier of buildings or other hereditaments, to be assessed at or to pay in the proportion of one half or less than one half, or (*b*) which is assessed under any commission of sewers or in respect of any drainage, wall, embankment, or other work for the benefit of the land. To meet the deficiency thus caused on the amount raised in rates by the spending authorities in the localities a sum is to be paid half-yearly to the authorities out of what is called the annual grant. This annual grant is paid out of the Local Taxation account, and remains the same for the whole of the five years. The Act constituted practically a revolution in our system of rating. Where any hereditament consists partly of agricultural land and partly of buildings, the Act provides for a separate valuation of the two, and the gross estimated rental of the buildings apart from the agricultural land is, while the buildings are used only for the cultivation of the said land, to be calculated not on structural cost, but on the rent at which they would be expected to let to a tenant from year to year, if they could only be so used; and the total gross estimated rental of the hereditament is not to be increased on the result of this separate valuation. "Agricultural land," is defined as being (*a*) any land used as arable, meadow, or pasture ground only, (*b*) cottage gardens exceeding one quarter of an acre, (*c*) market gardens, (*d*) nursery grounds, (*e*) orchards, or (*f*) allotments, but does not include (*a*) land occupied together with a house as a park, or gardens, other than as aforesaid, (*b*) pleasure-grounds, (*c*) any land kept or preserved mainly or exclusively for purposes of sport or recreation, or (*d*) land used as a racecourse.

To show how the Act works out in practice, let us take a district in which there is the same amount in ratable value of (*a*) agricultural land and (*b*) buildings; and let us suppose that before the Act £300 was raised in rates. If the rates have remained at that level, the effect of the Act is that this £300 is now paid as follows:—

£75 by agricultural land;
£75 by the State;
£150 by buildings,

1.—*Where the Rates go up.*

Suppose that the rates go up to £450. The State still contributes only £75, since the State contribution, once fixed, remains the same for the five years. Agricultural land has to pay only half as much in the pound as buildings, with the result that the £450 is paid:—

£125 by agricultural land.
£75 by the State.
£250 by buildings.

Buildings, rated at half the total, have to pay not only half, which would be £225, but, in addition, an extra sum of £25. In other words, the grant in aid of agricultural land has, so far as any *increase* in rates is concerned, to be paid, not by the State, but by the buildings in the locality. In such a case the unfortunate townsman, while he waits for *his* reform of local

taxation, has to pay not only (1) a penny in the pound in income-tax for the Imperial subvention, but (2) an additional rate for this local grant-in-aid. Mr. Lloyd-George (the Liberal Member for Carnarvon) proposed an amendment which would have cured this defect, but the Government voted it down by 250 to 117 (*June 24th*, 1896).

2.—*Where the Rates go down.*

Let us suppose that the rates go down to £240. The State still contributes only £75, since the State contribution, once fixed, remains the same for five years. Agricultural land has to pay half as much in the pound as buildings, with the result that the £240 is paid :—

£55 by agricultural land.
£75 by the State.
£110 by buildings.

Now buildings ought to pay £120—one-half the total amount. So in this case some of the money voted for the relief of agricultural distress goes to the relief of the rates on buildings. Mr. Ellis Griffith (the Liberal member for Anglesea) proposed an amendment which would have cured this defect, but the Government voted it down by 251 to 148 (*June 25th*, 1896).

## CONCRETE INSTANCES.

We are not, however, confined to theory; here are some actual instances of the effect of the Rating Act :—

(1) *Brockworth* (*Gloucestershire*).—The figures for this parish are:—

Total rateable value, £2,713 { Houses, £1,014. Agricultural Land, £699.

Brockworth's share of rates in one half year after the Act was £203, less £46, its share of the amount paid by the Government under the Rating Act. In order to raise this sum of £157 a rate of 1s. 8d. on the houses, and 10d. on the land is necessary. If the Rating Act had not been passed, the amount to have been raised would have been £203, and a rate of 1s. 6d. on houses and land alike—*i.e.*, on £2,713—would have been sufficient. In other words, the Rating Act costs every ratepayer on houses 2d. in the £ ! In this particular case 117 persons have their rates raised whilst only 16 benefit.

(2) *Langport Union* (*Somerset*).—Here is another case, as set out in a letter in the *Langport and Somerton Herald* of November 20th :—

"For the first half year, under the operation of the Act, ending September 29th last, I find the total value of the Langport Union was £92,958, divided into land, £59,483, and houses, £33,475. The total amount received from rates was £6,039, and the amount of Government grant £1,222, making the total receipts £7,261. Now, had this sum of £7,261 been collected under the old and equal system of rating, the proportionate amount payable by house property would have been £2,618, but under the operation of the new Act, whereby half the value of land has been withdrawn, the sum of £6,039 had to be raised on the new assessable value of £63,217 (being half land and whole of house value). As a consequence house property has had to pay £3,198, instead of £2,618 under the old system, clearly showing that houses as a direct consequence of the manipulation of ratable values under the new Act, have been robbed of no less than £580 during the first half year, a sum equal to 4d. in the £ in the whole of the 27 parishes in the Langport Union."

(3) *County of Buckingham.*—The following statement shows the approximate loss to the County Fund during the five years ending March 31st, 1902, in consequence of the fixed annual grant received by the county being insufficient to recoup the deficiency in the produce of rates since the relief given to agricultural land :—

| Year ending 31st March. | GENERAL COUNTY ACCOUNT. | | | | SPECIAL COUNTY ACCOUNT. | | | | TOTAL LOSS on the two Accounts. |
|---|---|---|---|---|---|---|---|---|---|
| | Rate levied. | Relief given to Agricultural Land in accordance with the Act. | Fixed Annual Grant received in lieu thereof. | Loss to the County. | Rate levied. | Relief given to Agricultural Land in accordance with the Act. | Fixed Annual Grant received in lieu thereof. | Loss to the County. | |
| | s. d. | £ | £ | £ | d. | £ | £ | £ | £ |
| 1898 | 9¼ | 7,455 | 6,395 | 1,060 | 2¼ | 1,811 | 1,472 | 339 | 1,399 |
| 1899 | 10¾ | 8,665 | 6,395 | 2,270 | 2¼ | 1,811 | 1,472 | 339 | 2,609 |
| 1900 | 9½ | 7,656 | 6,395 | 1,261 | 2¼ | 1,811 | 1,472 | 339 | 1,600 |
| 1901 | 9 | 7,254 | 6,395 | 859 | 2 | 1,610 | 1,472 | 138 | 997 |
| 1902 | 10 | 8,060 | 6,395 | 1,665 | 2 | 1,610 | 1,472 | 138 | 1,803 |
| Totals | 4 0½ | 39,090 | 31,975 | 7,115 | 10¾ | 8,653 | 7,360 | 1,293 | 8,408 |

## LIBERAL ATTEMPTS TO IMPROVE THE ACT OF 1896.

The Act of 1896 was closured through the House of Commons, and only passed after two all-night sittings. Mr. Chaplin agreed to limit the operation of the Act to a period of five years, but that was the only amendment of importance accepted. When the Bill was promised in the Queen's Speech, it was announced as a measure to relieve agricultural distress; and when Mr. Chaplin introduced it in the House of Commons he declared that its object was to help the farmers, who would, so he asserted, in 99 cases out of 100 get the relief which it afforded. Yet the Government steadily resisted all the amendments moved by the Liberal party to achieve these two objects. We give a short account of the more important :—

(1) The Government defeated by 179 to 67 an amendment moved (*May 14th*, 1896) by Mr. McKenna (the Liberal Member for North Monmouth), limiting the relief afforded by the Bill to land where the present assessment is not less than one-fifth lower than 1876. Only such land can properly be described as suffering from agricultural depression.

(2) The Government defeated by 146 to 63 an Amendment moved (*May 19th*, 1896) by Mr. Robson (the Liberal Member for South Shields), confining the relief to land rented at not more than £1 per acre. The Government also defeated by 208 to 108 the Amendment moved (June 23rd, 1896) by Sir Joseph Pease (then Liberal Member for Barnard Castle), confining the relief to land rented at not more than 25s. Why should money be taken from the taxes to help the owners or farmers of land for which such high rents as over £1 or 25s. an acre are still paid ?

(3) The Government defeated by 236 to 131 an Amendment moved (*June 24th*, 1896) by Mr. Stuart (the then Liberal Member for Hoxton),

excluding from the operation of the Bill those agricultural lands which are situate within a borough, a county borough, or the metropolitan police district. These lands are in many cases prospective building sites of great value. Everybody knows that on such lands the rent paid for the land is high, and that there is no agricultural depression.

(4) The Government defeated by 213 to 80 an Amendment moved (*June 29th*, 1896) by Mr. Sydney Buxton (the Liberal Member for Poplar), excluding from the benefit of the Bill any land which has an increase over and above its ordinary value as agricultural land ("Accommodation" Land). None of such land suffers from agricultural depression, and in such cases the money goes with absolute certainty into the pockets of the landlords.

(5) The Government defeated by 216 to 102 an Amendment moved (*June 23rd*, 1896) by Mr. Seale-Hayne (Liberal Member for Mid-Devon), limiting the operation of the Bill to the cases of tenants whose rents had not been raised after the passing of the Act. This was an exceedingly important amendment, designed to make certain that the relief should go where Mr. Chaplin pretended it would go—to the farmers, not to the landlords. This proposal would have carried out the expressed intention of the Government, for during the five years it is quite possible for a landlord to raise his rents, and thus to put a great deal of this contributed money into his own pockets. No injustice would have been done to a good landlord by the amendment, which aimed simply at preventing injustice on the part of bad landlords. It would not have prevented any justifiable increase of rents, because where rents could be raised legitimately there could be no agricultural depression, and, consequently, no need for this statutory relief. It is the tenant farmer's capital that has been expended during the past ten or fifteen years in paying the owner's rent, and it was highly desirable to insert a provision of this kind in the Bill in order to prevent tenants from being robbed of the proposed benefits by bad landlords. As Mr. Lambert (the Liberal Member for South Molton) said, the Amendment tested "the sincerity of the Government towards the tenant farmer."

## POINTS ABOUT THE ACT.*

(1) **The money goes into the pockets of the landowners.** Not all at once, of course, for a few farmers who have leases may receive a few pounds for a year or two. But it is plain that if a farmer pays less rates he will pay more rent. In taking a farm he considers rent, rates and tithe together. In fact Mr. Chaplin has said himself:—

"The effect on the owner was that if rates were high he got less rent, and if they were low he got more rent; therefore, he maintained that ultimately the whole burden of the rates fell on the owner of the land, and on nobody else."

When reminded of this in the House of Commons all Mr, Chaplin could plead was that he had used the word "ultimately." If the

* For a more detailed examination of all the "Doles" Acts see "The Renewal of the Doles." By Charles Trevelyan, M.P., and F. W. Hirst. Price 3d., post free 3½d., from Liberal Publication Department, 42, Parliament Street, S.W.

whole burden falls on the landlord and nobody else, the whole relief must go to the landlord and nobody else. So that, even on Mr. Chaplin's own admission, the dole ultimately goes to the landowners. There are many Tories who openly admitted this. For instance, Mr. Usborne, then Tory M.P. for Chelmsford, said:—

"No one has denied, and he hoped no one wished to deny, that the Rating Act was in relief of the landlord and not of the tenant."—(*February 8th*, 1897.)

Sir Michael Hicks-Beach said:—

"Well, I do not think I can go quite as far as the hon. member in his view of the Act of last year as a benefit to the English farmer. In my belief—and I have always said so—it will be a benefit to the English farmer certainly at first, probably for the whole time of its operation; but when fresh tenancies are created, when there is a change in tenancies, especially in the present state of the market as between landlord and tenant, if the change should be more in favour of the landlord than at present, then no doubt—I think it is admitted—the owner of the land will have an advantage."—(*House of Commons, May 6th*, 1897.)

Sir Michael also treated the Rating Act as a "return match" for the Budget of 1894—the landowner gets back in rates what he loses in death duties (*see* page 15). Mr. Walter Long has still another theory:—

"He disregarded the silly argument that the money would find its way into the pocket of the landlord. Whether the relief went to the landlord, to the tenant, or to the labourer, it would find its way into the land, which was what they intended to relieve and benefit."—*Wantage, November 4th*, 1896.)

The dole is treated for all the world as if it were a new kind of manure. Mr. Long added that the Government had shown that "their heart was in the right place." The nation's money is in the landowner's pockets—also its "right place" no doubt from the Tory point of view.

(2) **The advantage to the country is not great enough to justify a million and a-third a year of the taxpayer's money—just a shilling a head of the population—being spent in order to endow the English and Welsh landowners.**—The tax on tea might have been reduced twopence per pound but for this Act and the corresponding one for Scotland.

(3) **The Act, which is supposed to benefit the country districts, does absolutely nothing for the labourers, who are the largest class living there.**

(4) **It purported to relieve the agricultural depression, but it only relieves land, on the average, to the extent of 1s. per acre.**—To put the point in another way, the sum given is only equal to what would be gained if the price of corn were to rise 2d. per bushel. (About 228,000,000 bushels of corn are grown annually; 2d. on each would come to about £2,000,000.)

(5) **The more distressed the land of any district is, the less relief it will get.**—As the valuation goes down, so the relief under the Act decreases, instead of increasing.

(6) **The taxpayers assist, through this Act, the owners** (*a*) **of accommodation land,** (*b*) **of all the land where there is little distress,**

**and (c) of the valuable land in the neighbourhood of towns.**—Note what Mr. Chamberlain said of a similar proposal :—

"Lord Salisbury coolly proposes to hand it over indirectly, if not directly, to the landlords of the country in the shape of a contribution in aid of local taxes. I must say that I never recollect to have heard any public man propose in a franker—I might even say in a more audacious—way, to rob Peter to pay Paul."—(*Birmingham, March 30th*, 1883.)

## THE LOCAL TAXATION COMMISSION AND THE RATING ACT.

We summarise elsewhere (see page 226) the Local Taxation Report, but we give, as more in place here, the following passage from the separate report of Sir Edward Hamilton, K.C.B., and Sir George Murray, K.C.B.

*Agricultural Rates Grants Indiscriminately and Inequitably Distributed.*

Similar discrimination is not to be found in the case of the Grants with which we have next to deal—the payments made from the Local Taxation Account under the Agricultural Rates Act, 1896. Their amount was simply fixed at one-half of the amount of all rates levied off agricultural land in 1895-6 except those to which land was already assessed at less than one-half, and except special land drainage rates and the like.

The Grants have the advantage of being fixed in amount, but they fail to satisfy the principles which should, in our opinion, regulate the grant of public money. They are given without any central control, and are not appropriated to specific services. Moreover, though they may have redressed the rating inequalities between the agriculturist and his manufacturing, trading, or residential neighbour in the same rating area, yet they did nothing to rectify the disparity of rates in different rating areas. Indeed, there may be two fields side by side, similar in every respect, but situated in two Unions, in which the rates vary as much as from 4d. to 1s. 6d. in the £. Under the Agricultural Rates Act, one field would be left with a rate of 9d. in the £, and the other with a rate of 2d. in the £, no matter what the character of the Poor Law administration, or the needs of the two Unions may be. It seems difficult to defend such inequalities, and they were especially brought to our notice by several representatives of the agricultural interest, who maintained the general view that the agriculturist deserved and required some relief.

Thus Captain Pretyman, M.P., gave evidence as follows with respect to the operation of the Act :—

*Q.* "Even assuming that that is not the most perfect mode of meeting the hardship which you present to the Commission, would you propose, in the event of no better mode being available, that that mode of relief should be continued ?"

*A.* "In the event of no better mode of any kind being available, I would rather see that mode of relief continued than revert to the old state of things, but I think it is a bad method." (9850.)

*Q.* "Would you propose that the application of that principle should be further extended, and that in the event of its being decided that that is the most convenient way of remedying your grievance, that land should be rated not at one-half, but at a lower proportion still ?"

*A.* "No, I cannot say that I think it is entirely satisfactory, because the relief is given then to the land which is best able to bear the burden—that gets the most relief; and the land which is least able to bear the burden gets the least relief. That is inseparable from that form of relief, and that is one of the reasons, I suppose, why it was made only temporary." (9860.)

In answer to a question whether he considered that the Agricultural Rates Act was operating equitably in the sense of relieving where relief is most required, Mr. A. F. Jeffreys, M.P., said :—

"No, what I say is, that unfortunately on the poor land where the assessment is low—I know land, for instance, where the assessment is only 5s. an acre, and the rates per acre therefore are very low indeed—the relief that we get is very small." (11,291.)

Again, Mr. Sancroft Holmes, a well-known landowner and representative of the Norfolk Chamber of Agriculture, said :—

"I cannot say that I think the principle upon which the Agricultural Rating Act was passed last year was altogether wise. It gives the minimum of help where most is wanted." (2,839.)

"It chiefly goes to help the rates where the help is least needed." (3,038.)

*The Grants for Highways are Especially Inadmissible.*

There is, however, one particular feature in which the indiscriminate relief to the agricultural ratepayer appears to us to be specially open to objection. We find that the relief given under the Agricultural Rates Act is not confined to national services in any possible definition of that term. Under that Act, for instance, the Exchequer defrays a large part of the cost of maintaining highways in rural districts, *i.e.*, those district roads which are not of sufficient importance to be considered main or county roads. Now, it will not be denied that, if the urban ratepayer claimed assistance from public funds in respect of the cost of making and repairing the street at his door, the claim would be considered inadmissible ; and that the burden here should be laid where the benefit accrues, that is, on the person who enjoys the advantage thus conferred upon his property. But it seems to us to be hardly less difficult to admit the claim of rural districts for assistance from National Funds towards the cost of district roads, which have a direct and important effect in maintaining and increasing the value of the property directly served by them, and on which the ratepayers are under no obligation to spend more money than they think beneficial to themselves.

It may, indeed, be the case that in some rural districts, which owing to their proximity to great centres are semi-urban in character, the roads are maintained in a manner and at a cost which merely agricultural requirements would not justify. But it must be borne in mind that in such districts the land has, as a rule, almost the character of accommodation land, and the owners of such land obtain not only an improved immediate return owing to the proximity of markets, but also the certainty of very large gains when they choose to sell their land, or to let it for building.

*Tables Illustrating Allocation by Counties and County Boroughs.*

We now proceed to show, by actual figures, how unequal and anomalous is the present system of allocation, and how little regard it pays to the needs of a locality and to its ability to meet them. In Table I. we take four Administrative Counties, which are largely rural in character, and in Table II. eight County Boroughs. Receipts are for 1899-1901 :—

TABLE I.

| Administrative County. | From Revenue assigned under the Acts of 1888 and 1890. Per Inhabitant (1901). | From Revenue assigned under the Agricultural Rates Act, 1896.* Per Inhabitant (1901). | Assessable Value (1899) per Inhabitant (1901). |
|---|---|---|---|
| | s. d. | s. d. | £ s. |
| Rutland ... ... ... | 6 8 | 3 6 | 7 6 |
| Westmoreland ... ... | 5 7 | 2 3 | 6 16 |
| Berkshire ... ... ... | 6 6 | 1 3 | 5 11 |
| Cornwall ... ... ... | 3 11 | 2 3 | 3 5 |

* Including the grants to all the Spending Authorities within the County adjustments having been made in the case of overlapping areas.

TABLE II.

| County Borough. | Receipts in 1899-1900 from Revenue assigned under the Acts of 1888 and 1890. Per inhabitant. (1901). | Assessable Value (1899) per Inhabitant (1901). |
|---|---|---|
| | s. d. | £ s. |
| Leeds ... ... ... ... ... ... | 2 10 | 3 15 |
| West Ham ... ... ... ... ... | 3 3 | 3 19 |
| Leicester... ... ... ... ... ... | 3 0 | 3 15 |
| Cardiff ... ... ... ... ... ... | 3 5 | 6 5 |
| Oldham ... ... ... ... ... ... | 2 7 | 3 4 |
| Burnley ... ... ... ... ... ... | 2 0 | 3 13 |
| Barrow-in-Furness ... ... ... ... | 2 10 | 4 0 |
| Gateshead ... ... ... ... ... | 2 4 | 3 0 |

The first column in each Table shows the total receipts of certain Counties and County Boroughs from the Revenue assigned under the Acts of 1888 and 1890 (*i.e.*, the Licence Duties, the Death Duty Grant, and the Beer and Spirit Surtaxes) in proportion to the population. We do not assert that the proportion of such grants to population is always a correct test, and it may need qualification, but we take it as the best rough test available. The results are, it will be seen, markedly unequal. While Rutland gets 6s. 8d. per inhabitant, Burnley gets only 2s. To state the case more generally, a large number of county boroughs receive between 2s. 6d. and 3s. 6d. per inhabitant, while the Counties often get 5s. or 6s. per inhabitant.

The results are, however, still more striking if the resources of the different areas are compared. The full ratable value of Rutland or Westmoreland is of course very high in proportion to population ; and it may be considered to be excessive as a measure of ability. Accordingly, in order not to overstate the case we take "assessment value" as defined by the Agricultural Rates Act, *i.e.*, ratable value after deducting half the value of agricultural land. Even on this test, Rutland still is more than twice as rich as Oldham—that is to say, if a local service cost 1s. per inhabitant alike in Rutland and Oldham, it will need a rate of almost 4d. in Oldham, and only 1¾d. in Rutland, even when agricultural land is rated at a half. Notwithstanding this disparity in ability, Oldham only receives help to the extent of 2s. 7d. per inhabitant, while Rutland receives 6s. 8d., or more than twice as much.

This was the position before the Agricultural Rates Act. The grants under that Act cannot, perhaps, so well be tested on the basis of population ; but the figures are added in Table I. for comparison.

Under the Act, Rutland received grants amounting together to an additional 3s. 6d. per inhabitant (making 10s. 2d. in all), while Oldham received practically nothing.

Much the same is true of the other boroughs, all of which are, it will be observed, much poorer even in assessable value than the more prosperous counties. We have, however, added one county—Cornwall—which is a sample of the poorer counties, and is at the same time largely agricultural. Here the assessable value per inhabitant is comparatively low, and the burden of rates tend to be correspondingly high. But it will be noticed

that instead of the assistance from central funds being larger, it is here very much smaller than in the wealthy counties.

Similar results follow from a comparison of grants with expenditure on such services as Poor Relief and Police.

If there is any county in England in which the burden of these services is easily borne it is probably Westmoreland. Yet Westmoreland receives grants which in proportion to population are much more than twice as high as those assigned to such a necessitous area as West Ham.

*Table Illustrating Allocation by Unions.*

The effect of the distribution of grants in smaller areas is even harder to make clear, but it seems worth while to illustrate very shortly some of the inequalities which have arisen between unions :—

| Union. | Receipts (1898-9) of Guardians per Inhabitant (1891). | | Assessable Value (1899) per Inhabitant (1891). |
|---|---|---|---|
| | From the Exchequer Contribution Accounts under the Act of 1888. | From the Local Taxation Account under the Agricultural Rates Act, 1896. | |
| | s. d. | s. d. | £ s. |
| Billesdon ... ... ... | 2 9 | 1 7 | 9 0 |
| Penzance ... ... ... | 0 9 | 0 6 | 3 2 |
| Oldham ... ... ... | 0 8 | 0 6½ | 3 10 |

Billesdon is a very rich union, having £9 of assessable value per head ; and in consequence, though its Poor Relief is exceptionally expensive, it does not require a very high rate in the £. On the other hand, Penzance is a union which, though largely rural, is very poor ; Oldham Union is urban and rather poor. The figures of these grants speak for themselves. But the inequalities would be still greater if the figures included the agricultural rates grants to rural district councils. For, Billesdon receives through its rural District Council a further sum of 2s. 8d. per head, mainly in aid of the cost of highways ; whilst the rural portion of Penzance Union receives only 9 d. per head, and Oldham receives nothing.

## THE REPORT OF THE AGRICULTURAL COMMISSION AND THE AGRICULTURAL DEPRESSION.

We have shown how agriculture was asserted to be in such a dreadfully depressed condition that it was absolutely necessary in 1896 to bring in the Rating Act and rush it at all possible speed through Parliament. The result was to vote away £1,600,000 to the English, Welsh, and Scotch landowners. This was the first stage—in 1896. Next year (in 1897) the Agricultural Commission presented its final report. Then, when the money had been got out of the taxes, it was all at once found, that, after all, things were not so bad (though no one is bold enough to suggest *because* of the Rating Act). Lord Cobham, the Chairman of the Commission, in discussing the report at Droitwich, a short time after its publication, talked quite cheerfully about the agricultural prospect. He insisted that the real inwardness of the report was that " the agricultural position cannot be considered bad."

The Commissioners did *not* give a "very gloomy" view of agricultural prospects :—

"Given a sound discretion in the choice of a farm, trained intelligence, and sufficient capital, a farming career at the present time offers inducement in the shape of independence, varied and healthful occupation, and reasonable expectation of profit, such as, combined, can be found in scarcely any other business."—(*Droitwich, September 18th*, 1897.)

Then, in the early part of 1898, we had similar disclaimers from Mr. Chaplin and Mr. Long, the two Tory Ministers who signed the Interim Report which produced the Rating Act. Mr. Long said :—

"He deprecated agitation, which facts did not justify in regard to agriculture, but he admitted that there remained a great deal to be done before agriculture would be in a fair and just position compared with many other of the industries of the country. *He protested against it being constantly stated that agriculture was in a ruinous condition*, and against the doctrine that they ought to apply to the agriculture of the last year the same description which in justice and truth they applied to the few years preceding 1897."—(*Bristol, January 6th*, 1898.)

Mr. Chaplin said :—

"He had to congratulate them upon the advent of a better farming year than they had had for many a long day, and he hoped the improvement would continue. The Royal Commission upon Agricultural Distress, which recently reported, had been criticised somewhat severely for presenting a gloomy report. Their critics, he thought, were singularly misinformed. They seemed to think that the condition of agriculture, in this country, was everywhere the same. A noble lord (*Lord Londonderry*) had taken them to task on the question of agricultural depression, but that noble lord was just as well aware as he was that in Durham there had never been any depression worth speaking of. If the noble lord had been in Suffolk he would have had a different opinion. There were to be seen there farmhouses and cottages derelict, and land gone absolutely to waste. They could have nothing worse than land going out of cultivation and people banished from the district. The truth was that agricultural depression had varied in different districts of Great Britain."—(*Lincoln, January 7th*, 1898.)

Tory Cabinet Ministers were here making it their business to remind us that agricultural depression has always been partial. Exactly—as the Liberal party always contended. But the Rating Act applies to all the country alike, and when Liberals in the House of Commons tried to confine the relief to those places where agricultural depression really existed, the Government refused to allow their efforts to succeed. Mr. Chaplin in 1898 compared prosperous Durham with depressed Suffolk. But Durham gets more per acre from the Rating Act of 1896 than Suffolk ! This is shown by the following :—

| | Acres. | Agricultural land. Ratable value. |
|---|---|---|
| Durham ... ... | 438,000 ... ... | £408,665 |
| Suffolk ... ... | 769,000 ... ... | £429,597 |

We do not like to say that the Rating Act was obtaining money under false pretences, but it really looks uncommonly like it.

## THE ANIMALS DISEASES ACT, 1896.

This Act was passed in the session of 1896—it absolutely forbids for the future all importation into the United Kingdom of all live stock whatsoever. Cattle, sheep, and pigs have without exception to be slaughtered at the ports of entry, whenever their place of origin is a foreign country or one of our colonies. It is not true (as was said in defence of the Bill) that it "merely brought the law into harmony with the practice of the Agricultural Department." The practice of that Department, under the Liberal Government of 1892–1895 was a vigorous and successful attempt to prevent the introduction of various cattle diseases into this country; but it certainly never included or contemplated the irrevocable exclusion of all living foreign and colonial animals when their admission is without danger. There are two or three points which should be noted :—

(1) Mr. Walter Long (the Minister in charge of the Bill), defended it on Protectionist grounds :—

"As to store stock, he was confident that there was no agricultural industry in this country so capable of development. Parts of this country and of Ireland were well suited for the purpose of breeding store cattle which, by means of these restrictions, were protected from disease. He believed that the normal requirements of this country as regarded store stock could be abundantly supplied by the breeders of the United Kingdom if they had a fair chance and opportunity afforded them."—(*House of Commons, February 20th*, 1896.)

Everybody is against the importation of disease, but Mr. Long's point here is Protection pure and simple.

Lord Burghclere (who, as Mr. Herbert Gardner, was Minister for Agriculture in the last Liberal Government) said on this point :—

"What was the real reason why the supporters of the Bill were so anxious that it should become law? He believed it was one thing only, and that was the uncertainty of the maintenance of the present restrictions. That was the root of the agitation against this Bill. The fact was the cattle breeders were afraid that some day, Canada, the United States, Argentina, and other countries would be able to show a clean bill of health, and that prices would fall to a ruinous extent, as was stated recently in a letter in the *Standard*. What was desired was to give a monopoly in store cattle to the breeders in this country. No one could deny that this was legislation for one class, for one trade; and he felt it to be his duty to oppose it."—(*House of Lords, June 26th*, 1896.)

(In passing it may be noted how this exclusion of Canadian cattle contradicts the movement towards Imperial unity.)

(2) The motives were not *humanitarian*. There are great and admitted horrors in connection with the live cattle trade, but cattle, sheep, and pigs may all be carried alive, provided they are slaughtered at the port of entry.

(3) The real object of this Bill was to give the House of Lords—the House with landowning interests—the last word in this matter. Lord Herschell moved (July 7th, 1896) that either House of Parliament

should have the right, by addressing the Crown, to suspend the prohibition of the import of live cattle, and to sanction the admission of animals from countries pronounced to be free from disease. The Government would have none of this. Lord Rosebery clearly explained why :—

"All that the amendment would do is to empower the Minister of Agriculture to accede to the prayer of one of the Houses of Parliament, which in this case would undoubtedly be the House of Commons, that he would take steps to make inquiries into the health of foreign cattle. . . . What it comes to is this. You have no confidence in the Minister of Agriculture. You have no confidence in the House of Commons—you reserve your full confidence for the House of Lords. That is your meaning by the rejection of this amendment. Let your candour extend to that declaration, and let the country know what this Bill means."—(*House of Lords, July 7th*, 1896.)

It is claimed that the effect of the Act has been to exclude disease. Of course it has—it must be so, if you keep foreign cattle out altogether. But that is no real plea in favour of the Act, which was a small piece of Protection dressed up to look like an innocent measure solely concerned with the health of our flocks and herds. The fattening of imported live cattle used to be an important business with many farmers, who are in consequence injured by this legislation.

## THE EFFECT OF THE ANIMALS DISEASES ACT.

As could not fail to be the case the effect of the Act has been to increase the price of meat, whilst the number of cattle in this country is seriously declining. A conference of those interested in the Canadian store cattle trade was held at the Westminster Palace Hotel, London, on October 23rd, 1902, with a view to asking the Government to amend the Act, so as to admit the entry of cattle into this country from Canada without being subjected to slaughter at the port of landing. It is noteworthy that so well-known an agriculturist and Tory as Mr. C. S. Read said :—

"He had always protested, with regard to this question, against Canada being treated as a foreign nation. Canada and our colonies ought to be treated as an integral part of Great Britain. He asserted that stock was not only decreasing in this country, but its quality was deteriorating through the restrictions imposed on the entry of foreign stock."—(*Westminster Palace Hotel, October 23rd*, 1902.)

It cannot seriously be pretended that there is any disease in Canada, and, as Sir Albert Rollit said "there ought to be free trade in cattle as well as in other matters in this country." Mr. Hanbury, at that time Minister of Agriculture, refused, however, to do anything :—

"Not only Canadian store cattle, but those of all countries alike are prohibited from entering this country by the provisions of the Act of 1896, and I have no intention of proposing to repeal them."—(*House of Commons, November 3rd*, 1902.)

The best comment on this is contained in a letter to the *Times* of November 28th, 1902, from Lord Burghclere, who was Minister of Agriculture in the last Liberal Government :—

"The Act forbids for all time and from all parts of the world the introduction of store cattle into this kingdom. It is said, of course, that the consumer does not suffer, owing to the large importation of dead meat from the colonies and elsewhere; but it must be remembered that dead meat is practically the manufactured article, and store cattle the raw material, and to admit one and unnecessarily exclude the other is surely to violate the elementary canons of free trade. The chief argument put forward in favour of the Bill was that there might arise in the dim and distant future some Minister of Agriculture who would imperil the interests of the nation in defiance of his statutory obligations; but the advocates of the Bill forgot that, whilst they undoubtedly tied the hands of any possible President of the Board with regard to the admission of cattle beyond the ports of the country, they left the larger question of admission to the ports entirely at his discretion. To be consistent the Act should have excluded all importation of animals whatsoever to Great Britain, otherwise the argument based upon the weakness and wickedness of future Ministers falls to the ground.

"For my part, I have always been a warm advocate of locking the door against disease, but I have a strenuous objection to subsequently throwing the key out of the window."

On February 24th, 1903, Mr. R. J. Price (L) (Norfolk, East) moved an amendment to the Address asking for the admission of Canadian store cattle. It was resisted by Mr. Hanbury and lost. The Ottawa correspondent of the *Times*, telegraphing on February 27th, 1903, said:—

"The action of the Imperial Parliament in refusing to remove the embargo upon Canadian cattle is a great disappointment. The newspapers severely criticise Mr. Hanbury. Mr. Tarte, in *La Patrie* to-night, says that Canada has been given a good lesson by the British Parliament which should not be lost. Canada would be within her rights if she protected herself still more against the invasion of British goods to the detriment of her national industries. This question will be an important subject of discussion in the coming Session of the Dominion House."

## THE SALE OF FOOD AND DRUGS ACT, 1899.

Everybody is agreed that it is desirable that the purchaser should know what he is buying. He ought not, for instance, to be given Australian mutton and told that it is English; the butcher who commits such a fraud deserves and gets no one's sympathy. But it is a fallacy to proceed and argue that, if you insist on commercial honesty and get the mutton labelled, the purchaser in all cases will always insist on buying the higher-priced English, and thus help English agriculture. Everybody now knows that "Made in Germany" has been the finest possible advertisement for German goods. The same considerations apply to the Sale of Food and Drugs. Everybody is agreed that fraud should be prevented—that "skim milk" should *not* "masquerade as cream." But a great many other people have been anxious that the law should be so framed as to favour home agricultural produce—that butter, for instance, should be encouraged and margarine discouraged. Mr. George Whiteley explained the matter very well in a letter to the *Times* on May 6th, 1898:—

"I was for some time a member of that committee (*the Food Adulteration Committee of the Central Chamber of Agriculture*). It was notoriously animated and swayed by agricultural sympathies; indeed, some of its members, burning with bucolic zeal, did not scruple to hint that the sale of margarine should be prohibited altogether unless it were coloured blue! How the working classes would relish the consumption of blue butter did not seem to occasion grave concern. The main features of its report were that margarine should not be coloured, and likewise that its mixture with butter should be rendered illegal. Much butter has colouring matter added to it. That, however, it was not proposed to touch. Margarine is not coloured to resemble butter any more than butter is coloured to resemble butter. Both alike are treated to bring them to a shade most pleasing to the purchasing eye. All butter mixtures, whatever they contain—be it 90 per cent. of butter and 10 per cent. of margarine—are obliged by law to be labelled and sold as margarine. These butter mixtures, sold as margarine, are a staple article of food largely, I might say universally, bought by the very poorest classes in the land, and I think I might add by almost all our working classes. No one would object to the severest penalties to stop fraud. But what we do object to is that an excellent and wholesome article of general consumption competing fairly with butter should be placed by legislation under great disadvantages and disabilities. Were these agricultural ideas carried into legislative effect, every poor man and poor woman wanting a cheap and wholesome substitute for butter would either have to pay the price of pure butter or eat what could only resemble white fat; or they would be obliged to purchase the two in the exact relative proportion suitable to their palates and purses, and unskilfully and laboriously mix them at home preparatory to the humble spreading of their scanty crust of bread. To my thinking, Mr. Chaplin has adopted broad and generous ground upon this question, and, further, I am sure any proposal to introduce clauses into a Bill giving effect to this selfish white fat crusade and proposal would raise a storm of indignation over the whole of the country."

The Act passed by the Government in 1899 was not opposed by the Opposition, for though it smacks at times of Protection it does not go nearly so far in that direction as many Tory agriculturists desired. We are saved at all events from "blue butter," but Clause 8 is in its own way monumental. It makes it "unlawful to manufacture, sell, expose for sale or import any margarine which contains more than 10 per cent. of butter." You must not contaminate good honest margarine by putting butter into it! The original fraud was to pass off margarine as butter; now it is to pass off butter as margarine.

## AGRICULTURAL HOLDINGS.

In 1896, 1897, 1898 and 1899, the Queen's Speech contained the promise of an Agricultural Holdings Bill; in none of those years was any Bill ever introduced. At last, in the Session of 1900, a Bill was actually brought in.

It is of the highest importance that farmers should be encouraged to do their best with the land. This they will not and cannot do if they are to risk losing, when they quit, the money which they have invested in improving their holdings. Farmers need to be secured by law full compensation for all improvements that add to the letting value of the holding.

## THE AGRICULTURAL HOLDINGS ACT, 1900.

The Act of 1900 fell far short of this. It made, it is true one or two useful changes. It simplified and cheapened the procedure for settling by arbitration the amount of compensation to be paid. It gives compensation for corn grown and consumed on the holding. It limits the right of distress to rents due within the previous twelve months. But that is practically all.

Farmers are still to have no compensation for *permanent pasture* if they have failed to get the landlord's consent before laying it down.

In the same way they are to get nothing for leaving behind them "*two years and elder seeds*, if a good plant and the land is clean and in good heart."

They are to get nothing for having raised the value of the land by *continuous good farming.*

The landlord's *claim for dilapidations* is not limited, as it should be, and as the tenant's claims are limited, to certain scheduled items. And the landlord is to be allowed to *contract out* of the whole procedure for arbitration laid down in the Bill!

The Act was framed by the Landlord Party more in the interest of the Landowning Class than in that of the tenants. It contrasts very unfavourably with Mr. Lambert's Bill, accepted by the Liberal Government of 1895. The Central Chamber of Agriculture declared :—

"That in several very important respects the Bill fails to carry out the recommendations adopted by the Council in 1894 as a fair compromise between the land owning and the land occupying interests; *and it will be necessary that the Bill should be amended in these particulars if it is to satisfy the requirements of the agricultural community.*"

The Bill was so amended.

## INSUFFICIENT AND COMPLICATED.

The Act was correctly described by Lord Cross, when moving its second reading in the House of Lords, as a "small amending measure" —an official description of it which should not be forgotten when all kind of credit is claimed for it by Tory candidates. It is at once (1) insufficient and (2) complicated :—

(1) Sir F. C. Rasch (C) said :—

"He admitted that it was not a perfect Bill, but very few things in this world were perfect. He had himself taken particular care not to move any amendments, but that did not mean that he thought the Bill absolutely perfect. He could, however, have made some suggestions which it would have been well to embody in the Bill. He could have suggested that a man should be allowed to cultivate the soil as he liked so long as its fertility was not impaired; that there should be no penal rents unless actual damage was proved, and that there should be compensation for continuous good farming. He hoped that in the next Parliament from one side of the table or the other the Minister for Agriculture would introduce a Bill to carry out these suggestions. For the rest, he could only say that he was extremely glad the Bill had been brought in, though he could not say that it would be accepted with effusive gratitude."—(*House of Commons, July 19th*, 1900.)

What criticism could be stronger than to declare an amending Bill is necessary before the Bill it is to amend is even law?

(2) The Bill is complicated and difficult to understand. Mr. Strutt (C) (Maldon) said :—

"One blemish on the Bill was its incomprehensibility. It was almost impossible for a layman, reading the Bill by itself, to understand what the law was. If the Government would, in a future Session, bring in a Bill to codify the measures dealing with tenant farmers' rights they would confer a great boon upon the tenant farmer class.—(*House of Commons, July 19th,* 1900.)

Mr. Gibson Bowles, M.P. (C) (Lynn) said :—

"It was the most remarkable example of referential and allusive legislation he had ever come across. As it stood, the Bill was an absolute cryptogram, and nobody could possibly approach to an understanding of it until he had provided himself with nine other Acts of Parliament. Without these it was as much a mystery as the hieratic writing of Egyptian priests would be to the Attorney-General. Yet the Act was intended for plain men, and to enable landlords and tenants to understand their positions and relations to each other."—(*House of Commons, July 2nd,* 1900.)

Nor should it be overlooked that the Act, if unsatisfactory to England, is even more so to Wales, where the land question is more acute and where the tenants have grievances, expressly admitted by the unanimous findings of a Royal Commission.

## REJECTED AMENDMENTS.

1. Mr. Channing (L) (*July 2nd,* 1900) moved the following new clause :—

"Every contract of tenancy entered into after the commencement of this Act shall contain a scheduled record of the agricultural condition of the holding and its several parts, and of the buildings, fences, roads, and drains at the beginning of the contract of tenancy. At any time during a tenancy existing at the commencement of this Act, either party may require a record in similar form to be made by an arbitrator. Copies of all such records shall be deposited in the office of the registrar of the County Court, and either party shall be entitled to inspect the same at all reasonable times, and to take copies thereof."

Lost by 142 to 46 (majority 96).

2. Mr. Channing (L) (*July 10th*) moved a new clause providing for compensation for disturbance in case of eviction and notice to quit for unfair or capricious reason. Lost by 207 to 111 (majority 96). The precise wording of this clause received the assent of the Welsh Land Commission.

3. Mr. Gordon (C) (*July 10th*) moved a new clause with the object of extending the benefits of the Act to crofters' improvements in non-crofting counties. Lost by 196 to 123 (majority 73).

4. Mr. Buchanan (L) (*July 10th*) moved an amendment with the object of removing the schedules, in which were tabulated the improvements for which compensation could be claimed, so that the claim for compensation might be laid down in general terms. Lost by 170 to 91 (majority 79). Mr. Channing, in supporting the amendment, said :—

"The amendment had the sanction of the Market Gardeners' Compensation Act and there it was the outcome of a custom which had grown up among the fruit growers of the vale of Evesham, recognising the absolute right of tenants to carry out improvements in their own way. Several practical farmers, including former chairmen of the Central Chamber of Agriculture, were in favour of abolishing the schedules establishing the general presumption of the right of the tenant to improve, and it had strong support among the fruit-growing interest in Kent."—(*House of Commons, July 10th*, 1900.)

5. Mr. Yoxall (L) (*July 10th*) moved the addition to the clause of the following provision:—

"And the tenant of a holding, being an allotment or cottage garden, shall be entitled to obtain from the landlord compensation in money for fruit trees, fruit bushes, drains, and for any outbuildings, pig-sties, fowl-houses, or other structural improvements made by the tenant upon his holding to the extent of one-third of their gross value; provided always that this compensation shall not exceed £10, and that the tenant shall have the right to remove such fruit trees, fruit bushes, outbuildings, pig-sties, and fowl-houses, in addition to the right to the aforesaid compensation, and that, if the tenancy be determined after notice given by the tenant, no right to compensation in money shall exist."

Lost by 134 to 76 (majority 58).

6. Sir C. Welby (C) (*July 10th*) moved a proviso that in estimating the value of any improvement no account should be taken of any part of the improvement made by the tenant which is "justly due to the inherent capabilities of the soil." Lost by 186 to 24 (majority 162). The minority were very anxious to carry this amendment in the interest of the landowners, but the Government at first refused to give way. The House of Lords, however, inserted the words, and they were (*August 6th*) retained in the Commons (by 94 to 54) at the instance of the Government.

7. Mr. Channing (L) (*July 11th*) moved the omission of words requiring that the arbitration should, in the first place, be in accordance with any agreement between landlord and tenant, and, in default of and subject to any such agreement, in accordance with the provisions of the Act. Lost by 168 to 70 (majority 98). The Bill, as it stands, therefore permits, and even invites, "contracting out" so far as its procedure is concerned.

8. Mr. Buchanan (L) (*July 11th*) moved to leave out the words "unless the parties otherwise agree." Lost by 189 to 77 (majority 112). The amendment was designed to secure that there should be no alternative to the single arbitration—according to Sir R. Finlay himself the "best form of arbitration."

9. Earl Percy (C) (*July 12th*) moved an amendment omitting from the schedule the provision allowing tenants to make and plant, without the landlord's consent, osier beds "not exceeding one acre." Lost by 231 to 53 (majority 178). This small piece of liberty to the tenant was much resented by the more Tory of the Tories who made up the minority. The House of Lords, however, struck out the osier-bed provision, and their action was (*August 6th*) confirmed, at the instance of the Government, in the Commons, by 96 to 56. The Lords also struck

out the permission to make a garden, and this action was in the same way confirmed by 95 to 57.

10. Sir W. Wedderburn (L) (*July 13th*) moved to amend the schedule by providing that the consent of the landlord to the reclaiming of waste land should be required only when the reclamation exceeded an acre. Lost by 126 to 60 (majority 66). A very reasonable amendment. Even Mr. Vicary Gibbs said :—

"He failed to see why if a man might get compensation for an orchard cultivated without the landlord's consent he should not obtain it for an acre of bogland."—(*House of Commons, July 13th*, 1900.)

11. Mr. Seale Hayne (L) (*July 12th*) moved to insert in the schedule the words "erection or enlargement of buildings for the purpose of the trade or business of a farmer," the object being to provide that the farmer should be protected if he went to expenditure upon shelter for cattle and sheds for machinery. Lost by 112 to 45 (majority 67).

## MR. LAMBERT'S BILL, 1901.

On May 8th, 1901, Mr. Lambert (L) (South Molton) moved the second reading of his Land Tenure Bill. The Bill provided :—

1. Compensation for improvements made by the tenant that add to the agricultural value of an holding. (If an alteration was worth nothing the tenant would get nothing—the landlord, therefore, was secure.)
2. That failure to obtain the landlord's consent should not prevent compensation being claimed for repairing buildings, laying down permanent pasture, planting orchards or other plants for fruit or vegetable culture.
3. Compensation for damage by game that the tenant had not the lawful right to kill.
4. For the abolition of the limitations as to the use of only one gun in killing ground game.
5. That, provided the primary condition—the fertility of the farm—is maintained, no restriction should be placed on freedom of cropping, cultivation, or sale of produce.
6. That any loss the tenant suffered by unreasonable eviction should be paid for by the landlord.
7. Perfect equality in making claims, neither tenant nor landlord having an advantage.
8. For a saving of law expenses by the Board of Agriculture appointing one arbitrator to settle disputes.
9. The landlord's right of distraint for rent should be limited to one year.
10. For the keeping of a record of the agricultural condition of the holding.

The Bill was supported by the only practical farmer on the Ministerialist side—Mr. J. W. Spear (L U) (Tavistock)—but it was opposed by the Government and rejected by 225 to 164 (majority 61). The late Mr. Hanbury said :—

"The Government recognised that the farmer was entitled to compensation for improvements. But that principle, they maintained, was thoroughly carried into effect by the Act of last year. It was said that that Act was meant by the Government only as an instalment. On the contrary, *it was meant to represent the final view of the Unionist party as to the rights of tenants and landlords.* He believed that was the opinion of the tenant-farmers also. They were thoroughly well satisfied with the Act. They desired a period of rest from this political agitation. He doubted whether

agitation had ever done anything for any interest, but certainly it had done least of all for the agricultural interest."—(*House of Commons, May 8th*, 1901.)

He also deplored "that the time of the House should be *wasted* on such a Bill." Farmers will take note of this declaration that the Act of 1900 is the "final view of the Unionist party."

## SMALL HOLDINGS AND ALLOTMENTS.

The Tory record here is like that of the famous chapter on Snakes in Iceland. The Government has done nothing to facilitate the acquisition of either small holdings or allotments. It may be interesting, however, to quote here from two Parliamentary returns, 1898 (17—price 5½d.) and 1903 (182—price 4d.), which tell us, amongst other things, the Parish Council record in the matter of allotments. Here are the total figures for eight years given in the returns. It should be noted that December 27th, 1894, is the day before the District and Parish Councils Act came into existence.

*December 27th*, 1894–*March 31st*, 1902.

1. *Land for Allotments.*

| Total Number. | | Amount of Land Acquired. A. R. P. | No. of Tenants. |
|---|---|---|---|
| 61 | County Councils ... ... ... | 33 0 38 ... | 45 |
| 61 | Councils of County Boroughs ... | 249 3 23 ... | 1,167 |
| | Councils of other Boroughs ... | 107 2 14 ... | 1,048 |
| 963 | Urban District Councils ... ... | 2,346 2 5 ... | 11,154 |
| 692 | Rural District Councils ... ... | 243 2 2 ... | 464 |
| 6,361 | Parish Councils ... ... ... | 15,548 0 29 . . | 30,224 |
| 5,733 | Parish Meetings ... ... ... | 64 1 10 ... | 124 |
| | Metropolitan Borough Councils (in 1898 Report, Metropolitan Vestries) ... ... ... | 9 2 15 ... | 167 |
| | | 18,602 3 16 | 44,393 |

There were twenty-two cases in which compulsion had to be resorted to in order to obtain land.

2. *Land for Small Holdings.**

Between June 24th, 1897, and March 31st, 1902, only six County Councils in nine parishes, and one Borough Council (County) in one parish acquired land for small holdings. The total acreage amounted to 221A. 1R. 10P., and it was let to 184 tenants.

3. *Land for Other Purposes.*

364 Parish Councils acquired land for various purposes, the total acreage amounting to 1,560A. 2R. 29P. The purposes for which the

* From a Parliamentary return, dated August 11th, 1895, it appears that 483 acres of land had been provided by County Councils under the Small Holdings Act, 1892; so that from 1892 to 1902 only about 700 acres had been provided for this purpose. The small total is due to (1) absence of compulsory powers and (2) the requirement that the land should be sold and not let to labourers — save under exceptional circumstances.

lands were required included 212 recreation and 82 burial grounds. Other purposes for which land was required are :—

| | |
|---|---|
| Village green. | New well, pump, horse trough, and roof for same. |
| To widen corner of road. | To erect a parish hall. |
| Common pasture. | Landing staith to allow of loading and unloading boats. |
| For diversion of a dangerous foot-path previously over a level crossing on a railway. | Cricket ground. |
| Pleasure gardens. | Sewerage works and filtering. |
| Drying ground. | Site for parish pump. |
| Zigzag path up the cliff. | To make a cartway. |

This list is interesting incidentally as showing what a Parish Council can do.

As showing also how much the Parish Councils Act has done in getting land for the people the following parallel is instructive :—

| Under the *Tory* ALLOTMENT ACTS OF 1887 AND 1890. | Under the *Liberal* PARISH COUNCILS ACT OF 1894. |
|---|---|
| Local authorities acquired | Parish Councils acquired |
| 2,249 acres | 15,548 acres |
| for 5,536 tenants | for 30,224 tenants |
| in 7½ years. | in 7¼ years. |

These figures speak for themselves ; they are eloquent of the amount accomplished under the great Liberal Act of 1894.

## THE BUDGET OF 1894 AND AGRICULTURAL LAND.

It is a common Tory complaint that Sir William Harcourt's Budget of 1894 bears hardly on agricultural land ; but Mr. Gibson Bowles, M.P., has shown that the 1894 Budget favours agricultural land as compared with other forms of property. Mr. Bowles, in stating what the law is, and how it came to be the law, says :—

"The Act imposes estate duty upon 'the principal value' of 'all property, real and personal,' which passes upon death, and applies to all such property precisely the same scale of duty. In the course, however, of the three months' discussion of the Act, while yet a Bill, which some of us maintained, with very little assistance from our front bench, the Conservative leaders who infrequently occupied that bench did once intervene with effect ; and Sir Michael Hicks-Beach struck a bargain behind the Speaker's chair with Sir William Vernon Harcourt, whereby it was agreed to extend to agricultural land a very special favour, not, indeed, by touching the common scale of duty, but by manipulating the method of ascertaining 'the principal value' of that particular kind of property. This bargain was embodied in section 7 (5) which provides that the principal value of such property shall not exceed 25 times the irreducible *minimum* net annual value, arrived at after an infinity of deductions, including all such as are allowed under Schedule A of the income-tax, all such as are allowed under the Succession Act, 1853, and, in addition, a further deduction of 5 per cent. for management."—(*Letter to Times, May 29th*, 1899.)

By way of illustrating his point Mr. Bowles took the five largest of the Salisbury Plain properties bought by the Government for military

purposes, together with a sixth instance on account of its singularity, and shows how the principal value for estate duty (or 17 years' purchase of the gross rentals, as given in the returns) compares with the principal value or the actual price of the same properties as agreed by the War Office on behalf of the State :—

| Owner. | Acres. | Present Rental. | Principal value for Estate Duty at 17 years' purchase. | Principal value as actually agreed to be paid by the War Office. |
|---|---|---|---|---|
| Kelk, Sir John ... ... ... | 6,618 | £1,682 | £28,594 | £95,000 |
| Beach, Sir Michael H. .. ... | 7,818 | 2,531 | 43,027 | 93,411 |
| Hill, J. L. ... ... .. | 1,917 | 758 | 12,886 | 36,800 |
| Antrobus, Sir E. ... ... | 2,384 | 742 | 12,614 | 35,800 |
| Normanton, Lord ... .. | 2,973 | 550 | 9,350 | 31,828 |
| Wyndham's Trustees .. ... | 822 | 50 | 850 | 7,943 |

Mr. Bowles comments on these figures as being "extremely eloquent." They are indeed, and we agree that they "show by an accidental, unprepared, concrete instance, the enormous advantage given to land by the special method adopted of arriving at its principal value as compared with other property, and the relatively small amount of estate duty which land pays as compared with such other property."

## III.—POINTS AND FIGURES.

### *Mr. Chamberlain on "A Fair Rent Fixed by a Judicial Tribunal."*

"The English farmer pursues a will-o'-the-wisp in the shape of Protection, and he excites himself very much about the relief of local taxation. Well, he must be a very foolish person to imagine that the people of this country will ever again submit to the terror of the small loaf, and he must be a very sanguine man who imagines that any relief of local taxation will make much difference to the local rates. But even if the farmer could get all he desired in these two respects, that would not benefit him one iota, though it might enable his landlord to extract a higher rent. There is only one thing that can benefit the farmer, and that is a fair rent fixed by a judicial tribunal—with the right of free sale of the goodwill of the undertaking, just the same as any other trader."—(*Hull, August 5th*, 1885.)

### *All "Give" and No "Take."*

The following places, having no agricultural land whilst contributing to the grant in aid, get absolutely nothing back in reduction of rates.

Liverpool
Manchester
East Stonehouse
Bethnal Green
St. George's, Hanover Square
St. George's-in-the East
St. Giles and St. George, Bloomsbury
Holborn
City of London
Mile End
St. Olave's
St. Saviour's
Shoreditch
Stepney
Strand
Westminster
Whitechapel
Hull

## *Mr. Strutt's "Conscience Money."*

The Hon. C. H. Strutt is the Tory Member for East Essex, and takes such a keen interest in his constituents that he is very anxious that without delay they should be provided with Old Age Pensions. He suggested in 1899 that the relief should be limited in the first place (1) to labourers over seventy years of age living in hired cottages, and liable themselves for the rent; and (2) to labourers not in full work (if funds permit). He adds in a letter that there would have to be a committee to appeal for subscriptions and donations, and offers £100 with which to start the ball rolling. But this is not all :—

"I will go further. The relief that I get from the Rating Bill, ever since it was insinuated that I supported that Bill for my own gain, burns a hole in my pocket. I shall be glad to be rid of it, and I promise to hand it over yearly to your committee."

Does this not justify all that the Liberals have ever said about the monstrous nature of the agricultural "dole," provided by the Rating Act? The money burns a hole in Mr. Strutt's pocket, and he eases his conscience by paying up. But the vast bulk of the dole-getters pocket the money, and make no bones about the matter.

## *The "Economist" on the Rating Act.*

"Nor, if we look at the subvention as a measure for the relief of agricultural distress, is it any more defensible. The English share of the grant amounts to less than 1s. an acre upon the lands which come under the scope of the Bill, and that a dole of that kind, even if it were retained by the tenant farmer, would do much to help him no one can believe. But Mr. Chaplin himself has laid down the principle that 'if rates decrease, rents increase,' and that ultimately the landlord gets the benefit of the reduction. He now pleads that there is great virtue in the word 'ultimately,' and that, for a time at least, the tenant will get an advantage. Certainly, however, a slight passing benefit of that kind is not going to do much to regenerate agriculture. Besides, it is not only the distressed agriculturist that is to be relieved. The gift is to be made in respect of all agricultural lands, whether their owners and occupiers are prosperous or the reverse. In short, the Bill is as void of principle as it is of justification. It is a measure conceived by a Ministry mainly composed of landowners in the interest of their own class. They can force it through Parliament by the sheer force of their big majority, but at a great loss to public confidence and public respect. And in regard to it one is specially tempted to ask what Mr. Chamberlain is doing in that galley."—(*April 25th*, 1896.)

CHAPTER III.

# EDUCATION.

## I.—THE TORY RECORD, 1895-1901.

### A.—1895-1900.

The policy of the Tory Government elected in 1895 was soon shown to be one of disturbing the Compromise of 1870, and of unduly favouring denominational schools. In 1895 the following resolution of the Church Parliamentary Committee was sent to Mr. Balfour :—

"That this committee desire to represent to her Majesty's Government that, since the parents of a large number of children prefer that they should be educated at those public elementary schools which are attached to the particular denominations to which the parents themselves belong, these schools are entitled to receive further assistance to defray the heavy and increasing cost of education ; and this committee hope that legislation with this object may be undertaken at an early date."

To which Mr. Balfour replied on August 22nd, 1895 : —

"I am extremely anxious that something effectual should be done to relieve the almost intolerable strain to which these schools are now subjected ; and this is, I believe, the general wish of the party and of the Government."

This was followed up by the Church of England Memorial which was presented by the two archbishops and twenty-seven bishops on November 20th, 1895, to Lord Salisbury and the Duke of Devonshire. The following are the more important points that were then urged :—

(1) The right of parents to determine the character of the religious instruction provided for their children and the safeguarding of the right both in Board and Church Schools. [This aimed at the abolition of the "Cowper-Temple Clause" forbidding the use in a Board school of any denominational catechism or formulas.]

(2) The abolition of the 17s. 6d. limit, and of the other limitation on the grant in Article 107. [Done by the Act of 1897.]

(3) An increase of contributions from public sources sufficient to meet the general increased cost of education throughout the country, to be administered in such a manner as will prevent what is harmful in the competition between Voluntary and Board schools.

[The Duke of Devonshire on this point said to the deputation :—

"If, on the one hand, any such increased fixed grant could be applied by School Boards to the increase of salaries and other expenditure it would be a very extravagant expenditure and nothing would then be done to relieve the Voluntary schools from that competition ; and, indeed, that competition might to some extent be increased. If, on the other hand, that addition to the fixed grant should be applied by the managers of our Voluntary schools to reduction of subscriptions, the aim which you have in view of competing on more equal terms with the Board schools would not be attained. I observe with great pleasure that it has been stated in the memorial and it has been repeated by the Archbishop of Canterbury, that Churchmen had

no wish to relieve themselves from the sacrifices which they have been and are still making. But, still, statistics of the Education Department do show that, while the cost of education per child has been increasing, nevertheless the voluntary subscriptions have diminished. I am aware that it has been pointed out that very large sums have been spent by various religious denominations in initial expenditure on schools. Nevertheless, it is a fact that the cost per head which is voluntarily subscribed for the maintenance of these schools is a diminishing quantity. I think on that ground no increase in the fixed grant should be applied in the direction of still further reducing them."—(*November 20th*, 1895.)

This reads oddly enough in the light of the Act of 1902.]

(4) The revision of School Board precepts by some superior public authority.

(5) Increased facilities for federation of Voluntary schools. [Given by the "Associations" of the Act of 1897.]

(6) That classes, scholarships, and other educational advantages provided by School Boards at the cost of the public shall be open to the teachers or scholars of Board and Voluntary schools on the same terms.

(7) Provision that all reasonable facilities shall be afforded for the separate religious instruction of children in Board or Voluntary schools whose parents may desire it, in the spirit of the Industrial Schools Act of 1866.

(8) Liberty to provide in any district "annual grant" schools where the Department is satisfied that no satisfactory provision exists for the children for whom the school is intended, regard being had to the religious belief of the parents.

## THE EDUCATION BILL, 1896.

The recommendations of the Church of England Memorial were largely adopted in the Education Bill which was introduced on March 31st, 1896, by Sir John Gorst. After a waste of some eleven days of valuable public time, it was withdrawn by Mr. Balfour, destroyed by the scathing destructive criticisms which it received at the hands of Ministeralists as well as of the Opposition. The briefest summary of its objects will therefore be sufficient.

New Educational Authorities were to be erected throughout the country, elected by the County Councils, and consisting of a majority of County Councillors. The new authority was to administer a New Special Aid Grant and existing Parliamentary grants, inspect schools, alter the Code to meet local needs, be a School Attendance Committee for all places not having a School Board, and take the place of a School Board in places where Voluntary schools break down.

To relieve Voluntary schools an additional Aid Grant was provided of 4s. per child in average attendance for all Voluntary schools, and for Board schools in necessitous places. [Sir John Gorst calculated that this would cost £500,000.] Primarily this was to be applied in improving the teaching staff, and the educational fittings and apparatus of the school. The statutory obligation to provide "local income" (subscriptions, etc.) was abolished, and statutory limit was placed upon

the Parliamentary grants. Voluntary schools were to be exempted from payment of rates.

It limited the School Board rate to whichever was the higher of (*a*) the existing rate of annual maintenance per child, or (*b*) 20s. per child.

As to the religious question, the Bill provided that if the parents of a reasonable number of the scholars attending the school require that separate religious instruction be given to their children, the managers should, so far as practicable, whether the religious instruction in the school were regulated by any trust deed, scheme, or other instrument or not, permit reasonable arrangements to be made for allowing such religious instruction to be given, and should not be precluded from doing so by the provisions of any such deed, scheme, or instrument. Any questions arising on this were to be finally decided by the Education Department.

These provisions would of course have repealed the Cowper-Temple clause, which provided that in all schools established by means of local rates, no catechism or religious formulary which was distinctive of any particular denomination should be taught.

## THE VOLUNTARY SCHOOLS ACT, 1897.

Next Session (1897) the Government contented themselves with a handsome "dole" to the Voluntary schools, given by the Voluntary Schools Act. (This Act is repealed by the Education Act of 1902.) It may be briefly summarised as follows:—

(1.) *Additional State Aid to Voluntary Schools Only: Voluntary "Associations."*

The amount to be 5s. per head (instead of 4s. in the 1896 Bill)—estimated total amount, £616,500. But this amount was an *average* only. Some schools got more, others less.

The distribution to be made by the Education Department, subject to the following provisions:—

(1) The Voluntary schools to form themselves into Associations and these Associations to form schemes for the distribution of the money, "to guide the discretion of the Department."

(2) The extent of this discretion was absolute so long as the total money distributed in England and Wales did not exceed 5s. per child in average attendance, "due regard" being had to the "maintenance of Voluntary subscriptions." The Department could give 1s. per child in one place, and 9s. per child in another.

(3.) An express instruction was given with regard to this discretionary power to the effect that a distinction might be drawn between town and country. Associations with more urban schools would in that case get more than 5s. per child, and associations with more rural schools less.

Schools "unreasonably" refusing to join associations to be cut off from the additional grant. Any sums thus saved to be added to the grants to Associations. Schools "reasonably" refusing to join associations to be aided individually. In the case of all schools receiving grants under this Bill the Education Department "might" (but not "should") insist on the accounts being audited.

(2.) *Voluntary and Board Schools to be freed from the* 17*s.* 6*d. Limit.*

The old system was that the Parliamentary Grant was permitted to reach 17s. 6d. a head without any condition as to other income ; but that no grant could exceed that amount unless met by a corresponding amount from other sources.

(3.) *Rates on Voluntary Schools Abolished.*

The Liberal objections to this Act can be summarised as follows :—

(1) The violation of the principle of statutory equality.

(2) The Associations.—The coercion of local independence by giving the administration of public funds to these new organisations who had the distributing of these funds without the check of local control.

(3) The repeal of the only existing Parliamentary security for local contributions *i.e.*, the 17s. 6d. limit).

(4) No security that the increased grant was used for advancing education (*a*) by improving the teaching staff, (*b*) a more liberal curriculum, (*c*) better premises or improved sanitation and equipment, (*d*) in any other way.

(5) The exemption of Voluntary schools from rating, while maintaining the obligation for Board schools, an unjust discrimination, pressing with special hardness on rural Boards.

(6) The maintenance and intensification of the injustice done to parents throughout the rural districts, in their being compelled to send their children to privately managed schools, over which they have no effective control.

(7) The perpetuation of the injury done to conscience and to efficiency by the continued imposition of denominational tests on those who desire to become teachers, whilst the grievances of Nonconformists, who are forced to send their children to Voluntary schools were left untouched.

(8) The power given to the Education Department to discriminate between town and country schools.

The Government refused to allow a word or comma of the Bill to be altered. It was carried by a more drastic use of the closure than has been applied to any Bill of similar length. It was discussed for 69½ hours, during which 48 amendments were refused, the object of this being to avoid the Report stage ; the closure was asked for 17 times and actually given 15 times.

## THE NECESSITOUS SCHOOL BOARDS ACT, 1897.

In pursuance of Mr. Balfour's promise to deal with Board schools, "if time permit," Sir John Gorst introduced this Bill, which was read a first time on April 8th, 1897. Its general effect was to give the School Boards an estimated additional sum of £110,602 (which proved to be an underestimate by some £70,000). The amount payable under the Bill was estimated at £153,895, but from that must be deducted the sum of £43,283 previously paid under the old Section 97 of the Act of 1870. By the Voluntary Schools Act an estimated sum of £616,000 had just been granted to the Voluntary schools. A proportionate

sum for Board schools would have been £470,000. The actual sum given was £110,000. In other words, the principle of statutory equality was so much departed from that the Voluntary schools were treated just four times as well as the Board schools.

To come to details. By Section 97 of the Act of 1870, where a rate of 3d. in the £ did not produce a sum equal to 7s. 6d. for each Board school child in average attendance, the State undertook to pay the amount of the deficiency. This was taken as the basis of the Act of 1897, but a sliding scale was introduced, and whilst the amount of the test rate was still kept at 3d., the sum of 7s. 6d. varied according to the amount of the School Board rate in each particular town. If the rate is 3d. the amount was kept at 7s. 6d. But for every penny in excess in the rate in the £ an additional 4d. was added to the 7s. 6d.

The Liberal objections taken to the Act were :—

(1) It distributed about 1s. 2d. per head for the Board school children, whereas the Voluntary Schools Act gave 5s. per head to the Voluntary school children.

(2) It created a burden on urban districts and boroughs, the benefit of which went chiefly to rural districts.

(3) Owing to the particular mode of relief adopted, glaring irregularities were created.

This Act, too, is repealed by the Education Act of 1902.

## THE 1899 CODE AND PUPIL TEACHERS.

The 1899 Code contained two articles dealing with pupil teachers. Article 37 provided :—

"After January 1st, 1900, no pupil teacher will be recognised in a school in which there are not at least two adult teachers employed, except with the special consent of the inspector."

By Article 42, two, instead of three, pupil teachers were allowed to each principal teacher. The effect of these alterations, by decreasing the opportunities for cheap child labour, would have been materially to increase educational efficiency. But the effect would also have been to increase the cost of conducting some of the Voluntary schools now run "on the cheap." Accordingly, on April 17th, 1899, Mr. Jeffreys moved an address to her Majesty to strike out these objectionable articles—and the Government at once consented to do it, but not before Sir John Gorst had satisfied the House that on the merits the Government proposals were absolutely and entirely justifiable. On the vote he walked out of the House rather than vote with his own Government for the abandonment of the attacked provisions of the Code.

## THE BOARD OF EDUCATION ACT, 1899.

This Act was passed in the Session of 1899, after having been first introduced in the House of Lords. It established a Board of Education, charged with the superintendence of matters relating to education in England and Wales, to consist of a President and of the

Lord President of the Council, the principal Secretaries of State, the First Commissioner of the Treasury, and the Chancellor of the Exchequer. At the next vacancy the office of Vice-President of the Committee of Council on Education (the office then held by Sir John Gorst) was to be abolished. That has taken place, since Sir William Anson, Sir John Gorst's successor, is Parliamentary Secretary to the Board of Education.

The Board of Education took (April 1st, 1900) the place of the Education Department (including the Science and Art Department).

The Board of Education was empowered to inspect any school supplying secondary education and desiring to be so inspected, for the purpose of ascertaining the character of the teaching in the school and the nature of the provisions made for the teaching and health of the scholars.

The Council of any county or county borough were to be able, out of any money applicable for the purposes of technical education, to pay or contribute to the expenses of inspecting under this section any school within their county or borough.

A Consultative Committee could be established by Order in Council consisting (as to not less than two-thirds) of persons representing Universities and other bodies interested in education. This Committee has since been duly established.

## THE SECONDARY EDUCATION BILL, 1900.

A Secondary Education Bill was introduced by the Duke of Devonshire in the Lords on June 26th, 1900, and read a second time on July 23rd. It never got any further. It is sufficient to point out

(1) that it gave the Councils of counties and county boroughs limited powers as to Secondary Education, and

(2) that it left elementary education entirely untouched.

This was the last word of the Government on education before the General Election of 1900.

## B.—1900-1901.

A new situation was created by the Cockerton judgment,* delivered late in 1900. In a case in which the London School Board was the defendant, the Court decided that, broadly speaking, School Boards could, out of the rates, only provide elementary instruction for children. This made illegal all the work done in the higher grade, continuation and evening schools—work done because of its pressing necessity, with the full consent of the Education Department and Board of Education.

## THE EDUCATION (No. 1.) BILL OF 1901.

In the King's speech of February 14th a Bill was announced "for Amendment of the Law relating to education." On April 1st the Court of Appeal affirmed the decision of the Divisional Court in

* Mr. Cockerton was the eagle-eyed auditor who detected that the expenditure was illegal.

the Cockerton case. On April 25th the London School Board decided to accept this judgment and not to carry the case to the House of Lords. On May 7th the Government Education (No. 1) Bill was introduced by Sir John Gorst. Shortly summarised it was as follows :—

A new EDUCATIONAL AUTHORITY was set up to be the Council of a county or county borough acting through an *education committee*. This committee to be constituted by scheme, made by the Council and approved by the Board of Education. A majority of the Education Committee to be members of the Council.

The operations of this committee were strictly defined to be outside elementary education—the School Boards were left to do their work, as defined by the Cockerton judgment. The committee might deal with all other kinds of education, and took over the work of the *Technical Instruction Committees*.

The provision of money rested with the *Council*. The financial powers which the *Council* might exercise in favour of the *Committee* were as follows :—

(*a*) The "whisky money" *might* (not *must*) be spent on education.

(*b*) A rate not exceeding 2d. in the £ in any year.

(*c*) The Council might borrow money.

Existing schools carried on *ultra vires* by the School Boards (the Cockerton schools) might be still carried on by the Boards, provided permission was obtained from the Education Committee who was to settle how much could be spent on such schools.

This Bill proved so controversial that on June 27th, 1901, Mr. Balfour announced its abandonment to a meeting of Ministerial members. He said the Bill was introduced to meet the situation created by the Cockerton judgment, and described it as a "measure which constituted a permanent central authority for secondary education." He promised a "very early and a very honourable place to an Education Bill" in the Session of 1902. The vital and important points here are that this Bill was expressly designed to meet the situation created by the Cockerton judgment. It was a Bill which did not touch elementary education. It is idle, therefore, to plead that the Education Act of 1902 is the inevitable product of the Cockerton judgment, since the Government themselves in 1901 propounded a solution which left the School Boards still in existence, and gave the new Education Authority secondary powers only.

## THE EDUCATION ACT, 1901.

The question of the Cockerton schools was solved for the time by the Education (No. 2) Act which empowered the County and County Borough Councils to allow the School Boards to carry on the schools for a year, all surcharges for past illegal expenditure being at the same time condoned.

# II.—THE EDUCATION ACT OF 1902.

## THE INCLUSION OF ELEMENTARY EDUCATION.

How was it that the Education Bill introduced in March, 1902, was found to deal with elementary education? What was it that had induced the Government suddenly to alter its course? Was it that the Duke of Devonshire and Sir John Gorst decided that, in the interests of Education, further large sums of money—this time out of the rates—must be dealt out to the Voluntary schools? Or did the Church of England, the chief proprietor of the denominational schools, exert pressure on the Government? The Bishop of Truro said, early in 1902:—

"Nobody was so open to pressure as the Cabinet, and he believed that on this question (*Education*) the Cabinet was not united. It was not to be expected that men like Mr. Chamberlain, brilliant and able as they were, who only knew the Church from outside, would feel exactly on this matter as those connected with the Church of England did, but if such men were convinced that the country had made up its mind on the matter, they would be prepared to support any (*Education*) Bill that might be desired."—(*Bodmin, February 5th*, 1902.)

This looked a little ominous at the time, and when the Education Bill was introduced it was all too clear that the "pressure" referred to by the Bishop had been successfully exercised. What was the precise machinery by which the pressure was exercised? Well, the following circular will show:—

THE CHURCH COMMITTEE FOR CHURCH DEFENCE AND CHURCH INSTRUCTION.

Church House,
Westminster, S.W.,
April, 1902.

DEAR SIR,—You will doubtless remember that in October last the Executive Committee invited local secretaries to convene their committees for the express purpose of considering the position of Voluntary schools and of urging the Government to include elementary education in a comprehensive measure, to be brought forward in the present Session of Parliament.

In the month of November a further communication was sent, in which a form of petition to the Government was enclosed, and it was suggested that, in view of the urgency of the question, prompt efforts should be made to obtain signatures, and that the same should be dispatched to the Leader of the House of Commons. The response to this request was so immediate and satisfactory that, in addition to the six or seven thousand petitions originally dispatched, nearly three thousand more were forwarded upon the

written request of secretaries and clergy all over the country. The petitions were numerously signed, and the Committee had the satisfaction of feeling that through their organisation they had been the means of focussing and expressing the almost unanimous opinion of Church people in this matter.

It was with no ordinary pleasure, therefore, that the Committee observed in the King's Speech at the opening of Parliament this year a specific announcement that proposals for the co-ordination and improvement of primary and secondary education would be made, a pledge which the Government have since redeemed by the introduction of their Bill in the House of Commons. This, the Committee venture to think, is in no small degree due to the earnest representations which, through their organisation, they were enabled to press upon the consideration of the Government, and they are sure that this result will be felt to be some encouragement and recompense by those clergy and secretaries who, at the cost of much personal trouble, were instrumental in obtaining signatures to the petitions. . . .

We are, yours faithfully,

(*Signed*) ASHCOMBE, *Chairman.*
T. MARTIN TILBY, *Secretary.*

(*By direction of the Executive Committee.*)

The Church Committee are to be congratulated on the result of their labours, but they were unkind to "give away" Mr. Balfour. For when we complain that the Act of 1902 is a Voluntary Schools Relief Act we are always assured that it is in reality the result of long excogitation on the part of educational "experts." To the naked eye it looks much more like the handiwork of expert Churchmen.

## THE PROVISIONS OF THE ACT.

First of all let us give the provisions of the Act, the figures in square brackets being references to the section and subsection.

It is important to remember that :—

A PROVIDED school means a school provided by the local education authority. All *Board* schools become *provided* schools.

A NON-PROVIDED school means a school not provided by the local education authority. "*Voluntary*" or *denominational* schools become *non-provided* schools.

ELEMENTARY EDUCATION is education given in "public elementary schools" to scholars who, at the close of the school year, are not over 16. An elementary school does not include an evening school [22 (1) and (2)].

HIGHER EDUCATION is "education other than elementary." The power to supply or aid the supply of it includes the power to train teachers, and to supply or aid the supply of any education not elementary education [22 (3)].

## The New Educational Authority.

### (*a*) Its Constitution.

The new Educational authority is to be the Council of a county or county borough [1] (for case of non-county boroughs and urban districts, see page 7) who have to establish an Education Committee (or Committees). This Committee is to be constituted in accordance with a scheme, made by the Council and approved by the Board of Education [17 (1)]. The scheme does not, like an Endowed School Scheme, come back to Parliament. Till the Board approve, no scheme can become law. Afterwards there is no appeal. If the Council makes no scheme within twelve months after the passing of the Act, the Board may make a Provisional Order for the purposes for which a scheme might have been made [17 (7)], and this Order has to pass through Parliament in a Provisional Order Bill [21].

A majority of the members of the Education Committee must be elected by the Council and be members of it, except in the case of a county the Council determines otherwise. There are to be other members (proportion not specified) nominated or recommended (where it appears desirable) by other bodies including Voluntary schools associations and who are to be persons of experience in education or persons with knowledge of schools in the district [17 (3) (*b*)]. The scheme must provide for the inclusion of women on the Committee [17 (3) (*c*)] and for the appointment, if desirable, of existing School Board members as members of the first Committee [17 (3) (*d*)].

All persons who, through pecuniary interest (such as holding office or being interested in a contract) are disqualified from sitting on the Council, are also disqualified from being members of the Committee. This does *not* apply to teachers [17 (4)].

In Wales and Monmouthshire the county governing bodies under the Welsh Intermediate Education Act of 1889 are abolished, their functions becoming merged in those of the new local education authorities [17 (8)].

There may be joint Education Committees for a combination of counties, boroughs, or urban districts, or more Education Committees than one for any one county [17 (5)], but due regard must be paid to the general co-ordination of all forms of education [17 (6)].

### (*b*) Its Powers.

The supreme power resides with the Council, but except as regards levying a rate or borrowing money, all educational matters stand referred to the Education Committee. The Council, except in case of urgency, must consider their report before taking action. The Council may delegate to the Education Committee, with or without restrictions, any of their powers under the Act except those of raising a rate or borrowing money [17 (2)].

(i.) *Higher Education.*

The Act instructs the local education authority to consider the educational needs of their area, to take such steps as it deems desirable to supply or aid the supply of education other than elementary (including the training of teachers), and to promote the general co-ordination of all forms of education [2 (1) and 22 (3)]. The existing *Technical Instruction Committees* are abolished and their work passes to the new education authorities.

(ii.) *Elementary Education.*

The local education authority (the Council)—

(*a*) takes over the powers and duties of the School Board and School Attendance Committees, which are by the Act abolished, and

(*b*) becomes responsible for and has control of all secular education in non-provided schools [5].

Except for the provision and maintenance of the school-house (which does not include the teacher's house), the non-provided schools have to be maintained by the Council out of money obtained from the taxes and rates, the amount of control secured by the Council being—

(*a*) the right of giving directions to the managers concerning secular instruction (including the number and qualification of the teachers and their dismissal on educational grounds) and of themselves carrying out such instructions in case the managers fail to carry these out, but no direction is to interfere with reasonable facilities for religious instruction during school hours [7 (1) (*a*)];

(*b*) the right of inspection [7 (1) (*b*)];

(*c*) the right of veto upon appointment of teachers, to be exercised "on educational grounds" only, and the right of veto upon dismissal of teachers unless the dismissal be on grounds connected with the giving of religious instruction [7 (1) (*c*)];

(*d*) the appointment of pupil teachers when there are more candidates than posts to be filled [7 (4)];

(*e*) the right of appointing managers, but so that the number of foundation managers appointed by the denomination still remains in the proportion of four out of six [11]. (*See below.*)

(*f*) the right to use for educational purposes (where no suitable accommodation exists in provided school) the school-house out of ordinary school hours not more than three days in the week [7 (1) (*e*)].

Disputes on any of these points between the managers and the Education Committee to be settled by the Board of Education [7 (3)].

(*c*) Its Finance.

All expenditure (to be kept in separate accounts) will be subject to Local Government Board audit—Borough Council accounts by express enactment in this Act [18 (3)] and accounts of other Councils by existing legislation. Where money which any Council has to pay

or receive is paid or received through the managers, the receipts and payments are to be accounts of the Council [18 (5)].

(i.) *Higher Education.*

The financial powers which the Council may exercise for the purposes of Higher Education are as follows:—

(*a*) The "whisky money" *must* be used for higher education [2 (1)].

(*b*) A rate may be levied—in a county borough not limited in amount, in a county not exceeding in any year 2d. in the £, or such higher rate as the County Council, with the consent of the Local Government Board, may fix [2 (1)].

(*c*) The Council may borrow money [19].

A County Council may specially charge any parish specially benefited by higher education given in their schools [18 (1) (*a*)].

(ii.) *Elementary Education.*

The Council will have at its disposal for Elementary Education:—

(*a*) The proceeds of a rate (not limited in amount), to be levied by the Council, which will settle its amount. (The Council may also borrow money [19].)

(*b*) The annual Parliamentary grants at present paid to the School Board, or Voluntary school managers.

(*c*) The new aid grant, replacing the grant at present paid under the Voluntary Schools Act and Necessitous School Boards Act (both passed in 1897). This grant is to consist of:—

(1) A *fixed* amount of 4s. per child in average attendance;

(2) A *variable* amount per child of 1½d. for every complete 2d. by which the amount produced by a 1d. rate falls short of 10s. a scholar.

Also provided that, if the product of a 3d. rate is more than the amount to be raised locally for elementary education after the new aid grant (calculated as above) is paid, the total of the new aid grant is to be reduced by one-half of the difference between these two amounts * [10].

The effect of this is that the Voluntary school managers will have only to provide the school-house (which does not include the teachers' residence) and keep it "in good repair," making also "such alterations and improvements" as the local education authority may "reasonably" require [7 (1) (*d*)].

For the expenses there will be a general rate over the whole of the area of the local education authority [18 (1)] but not less than one-half nor more than three-quarters capital expenditure or rent in respect of the provision or improvement of a public Elementary school build-

* This may also be put as follows: Let the product of a penny rate be $x$ shillings per child in average attendance. Then the amount receivable of aid grant per child is 11s. 6d. $-\frac{3}{4}x$ (if $x$ be not an even number of pence, then the next higher even number must be used), but never less than 4s. and subject to following proviso: If £$y$ is the total produce of a penny rate and £$z$ the amount raisable locally for elementary education after aid grant is paid, then if $3y$ is more than $z$ the aid grant is to be reduced by £$\frac{3y-z}{2}$

ing is chargeable on to the area served by it [18 (1) (*c*)]. The same conditions apply in taking over existing School Board liabilities, which (except as here provided) remain those of the old School Board area [18 (1) (*d*)].

## Endowments and Fees.

Endowments of non-provided schools remain in the hands of the managers, except that endowments left specifically for those purposes for which the local education authority has to make provision are given to the local education authority, disputes as to apportionment being determinable by the Board of Education [13 (1)]. The local education authority is to give the area of the endowed school the benefit of the endowment paid to it by either reducing the education rate or paying the sum to the overseers in relief of poor rate [13 (2)].

Fees in non-provided schools may be abolished by the local education authority, but if continued are to be shared by that authority and the managers, the Board of Education deciding in case of dispute. In this case the benefit of the fees goes to the whole area of education authority [14].

## Management of Public Elementary Schools.

### Appointment of Managers.

*A.—Provided Schools.*

In a *county*, for each provided school, managers are to be chosen in the proportion of *four* to be appointed by the County Council, and *two* by the Borough, Urban District, or Parish Council (or parish meeting), as the case may be, of the area served by the school [6 (1) and 24 (2)]. There are not to be more than six managers unless the circumstances of the school make it necessary, and the proportion between the two classes of managers must be maintained [6 (3) (*b*)].

In a *county borough*, *borough* (*over* 10,000 *population*), or *urban district* (*over* 20,000 *population*), the Council (so long as it remains the local education authority) may (but only if they think fit) appoint, for any of their provided schools, any number of managers they like [6 (1)].

*B.—Non-Provided Schools.*

All non-provided schools are, in place of existing managers, to have managers to be chosen in the proportion of *four* foundation managers [6 (2)] and *two* are to be appointed:—

(*a*) In a *county*, one by the County Council and one by the Borough, Urban District, or Parish Council (or parish meeting), as the case may be, of the area served by the school [6 (2) (*a*) and 24 (2)].

(*b*) In a *county borough*, *borough* (*over* 10,000 *population*), or *urban district* (*over* 20,000 *population*), both by the Council (so long as it remains the local education authority) [6 (2) (*b*)].

"Foundation managers" are defined to be managers appointed under the provisions of the trust deed of the school [11 (1)], where trust deed includes any instrument regulating its trust or management [24 (5)]. If there is no trust deed or its terms make the appointment of managers under the Act impossible, the Board of Education is empowered to make an order meeting the case [11 (1)].

Rules are laid down regulating the procedure to be followed in making this order. (*See* Section 11, Subsections (2)–(8) on page 16.)

### Powers and Obligations of Managers in Non-Provided Schools.

The managers in a non-provided school have (subject to the power of the local education authority—*see* page 3) the exclusive power of appointing and dismissing teachers [7 (7)]. The managers may, if they think fit, appoint assistant and pupil teachers without reference to religious creed and denomination, whatever the trust deed may say to the contrary. Pupil teachers, when there are more candidates than one, are appointed by the local education authority [7 (5)].

Religious instruction is to be given "as regards its character in accordance with the provisions of the trust deed (if any) relating thereto," and is to be "under the control of the managers." Nothing in the clause is to affect "any provision in a trust deed for reference to the Bishop or other superior ecclesiastical or denominational authority so far as such provision gives to the Bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed" [7 (6)]. (*This is the famous Kenyon-Slaney clause.*)

All that the managers are under obligation to provide is the schoolhouse (which does not include the teacher's residence), and "out of funds provided by them," keep it in good repair, and make such alterations and improvements in the buildings as the local education authority may reasonably require. Such damage as the education authority consider to be due to fair wear and tear during elementary education school hours to be made good by authority [7 (1) (*d*)]. Managers' payments and receipts for these purposes are not subject to any audit, but all other payments and receipts are to be made by or to the local education authority, who may, however, transact their financial business, using the managers as agents [18 (2) and (5)].

### Grouping of Schools under One Management.

The local education authority may group under one body of managers provided schools and (with the consent of managers) non-provided schools. But the two classes of schools cannot be grouped together [6 (3) (*a*) and 12 (1)].

In the case of provided schools the local education authority settles the number and composition of the managers of the grouped schools. In the case of non-provided schools their managers and the local education authority must agree upon a scheme, the Board of Education settling differences [12 (2)]. Such a scheme lasts three years, unless ended previously by the consent of the parties to it [12 (4)].

In a county, the local education authority is to take care to ensure the due representation of local authorities, who would have the right to appoint managers to the schools if not grouped [12 (3)].

## Religious Instruction.

For schools giving higher education it is expressly provided that sectarian schools may be subsidised. The Cowper-Temple Clause (which forbids denominational teaching at the cost of the rates) is applied to higher schools provided by a council which may, however, permit denominational teaching not paid for by themselves. There is a conscience clause for both day and evening scholars, but not for boarders [4].

For elementary education the Cowper-Temple Clause in provided schools, and the Conscience Clause in non-provided schools are left untouched.

## Non-County Boroughs and Urban Districts.

The council of any non-county borough or urban district *may*, over and above the rate levied by the County Council, spend on higher education a sum not exceeding a rate of 1d. in the £ [3]. In this case the Council need not establish an education committee if they decide that its appointment is unnecessary [17 (1)].

Special provision is made for (1) *boroughs* with a population of over 10,000, and (2) *urban districts* with a population of over 20,000. Their Borough and Urban District Councils become the local education authority for elementary education under the same conditions as the Councils in the counties and county boroughs; they must also establish an Education Committee [1]. In this case the County Council can raise no money for elementary education in the area controlled by the Town or Urban District Council [18 (1) (*b*)].

## Provision of New Schools.

Where the local education authority or any other persons propose to provide a new public elementary school they are to give public notice of their intention, and the managers of any existing schools and the local education authority (where they themselves are not to provide the new schools), and any ten ratepayers in the area for which it is proposed to provide the school, may, within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by a local education authority or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided; and any school built in contravention of the decision of the Board of Education on such appeal is to be treated as unnecessary, in which case it would receive no grants of public money [8 (1)].

If, in the opinion of the Board of Education, any enlargement of a school is such as to make it a new school, it is to be subject to the same notices, appeals, etc., as if it were a new school [8 (2)].

A transferred school is to be treated as a new school [8 (3)].

The Board of Education is to determine, in case of a dispute, whether a school is necessary or not, and in so determining, and also in

deciding on any appeal as to the provision of a new school, shall have regard—

(*a*) to the interest of secular instruction;

(*b*) to the wishes of parents as to the education of their children; and

(*c*) to the economy of the rate;

but a school for the time being recognised as a public elementary school is not to be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty [9].

This is a wide departure from the existing law, under which a deficiency in school accommodation has to be proved before a new school can be built and recognised.

## Delegation of Powers.

An education authority may, on terms, delegate to any County Borough, District, or Parish Council (whether a local education authority or not) any of its powers relating to the control and management of a school in that Council's area [20 (*a*)].

The Council of a non-county borough or urban district may agree to yield up to the County Council any of its powers under the Act. If the powers relate to elementary education the area of the borough or district becomes part of the area of the county [20 (*b*)].

## Failure to Perform Duties.

If the local education authority fails (*a*) to fulfil any of its duties as to elementary education, or (*b*) to provide any necessary additional school accommodation, the Board of Education may, after holding a public inquiry, make any necessary or proper order for the purpose of compelling the authority to fulfil their duty, such order to be enforceable by *mandamus* [16].

## Miscellaneous.

A woman is not disqualified, either by sex or marriage, from being a manager or a member of an Education Committee [23 (6)].

A local education authority may pay for vehicles or the reasonable travelling expenses of teachers or children, where the local conditions require such a course [23 (1)].

For higher education a Council may provide such education outside their area where the interests of their area are served by so doing. Scholarships and fees of students belonging to the area may be paid for at an institution within or without that area [23 (2)].

## Date of Operation of Act.

The Act comes into operation on the appointed day, March 26th, 1903, or such other day, not more than eighteen months later, as the Board of Education may appoint. The day may vary for different purposes, and for different Councils [27 (2)].

Local authorities may empower the Cockerton schools to be carried on by the School Boards up to the appointed day. In the case of London the period is specially extended to March 26th, 1904 [27 (3)].

## Areas and Authorities.

The following table shows the different education authorities according to the area taken :—

**COUNTY BOROUGH.**

One Education Authority... } **County Borough Council**—for { **Elementary Education, Higher Education.**

**NON-COUNTY BOROUGH** (population over 10,000).
**URBAN DISTRICT** ( „ over 20,000).

Two Education Authorities...

(1) **Borough or District Council**.. ... ... } for { **Elementary Education, Higher Education.** (Amount spent on latter not to exceed sum raised by 1d. borough or district rate.)

(2) **County Council** ... for **Higher Education.** (Amount spent not to exceed sum raised by 2d. county rate, except by sanction of Local Government Board.)

The County Councillors representing area of the borough or urban districts may not vote on any question affecting Elementary Education only, since their area has a local education authority of its own [23 (3)].

**NON-COUNTY BOROUGH** (population 10,000 and under).
**URBAN DISTRICT** ( „ 20,000 „ „ ).

Two Education Authorities...

(1) **Borough or District Council**... ... .. } for **Higher Education.** (Amount spent not to exceed sum raised by 1d. borough or district rate.)

(2) **County Council** ... for { **Higher Education.** (Amount spent not to exceed sum raised by 2d. county rate, except by sanction of Local Government Board.) **Elementary Education.**

**COUNTY** (outside Boroughs and Urban Districts).

One Education Authority... **County Council** ... ... for { **Elementary Education. Higher Education.** (Amount spent on latter not to exceed sum raised by 2d. county rate, except by sanction of Local Government Board.)

## THE ACT CRITICISED.

For a detailed history and criticism of the Bill we must refer our readers to "The Parliamentary History of the Act," published by the Liberal Publication Department.* Here we can best criticise the Act by taking 12 objections originally taken to it when it was introduced, and by seeing how far they were removed or intensified. They were "Twelve Reasons why the Education Bill must be mended or ended."

1. *Because the Bill is not so much an Education Bill as another Voluntary Schools Relief Bill.*

This became abundantly clear during the time during which the Bill was converted into an Act. Indeed, so audacious did the denominationalists become that the "bargain" as the result of which their schools are now comfortably quartered on the rates is declared to be a hard one, because the school-houses have to be kept in good repair as well as provided.

2. *Because, while professing to make provision for Secondary Education, the Bill only gives the new educational authority permissive powers and casts no obligation or duty of any sort upon it to provide Secondary Education, admittedly the kind of education for which it is imperative that further provision should at once be made.*

In this respect the Act is admittedly an improvement upon the Bill, though it is still true that the local education authority has no obligation cast upon it to provide higher education. But it is now directed to consider its area's educational needs and empowered to take such steps as "seems" to it "desirable." This is far short of what a satisfactory measure would have enacted.

3. *Because, so far from promoting Secondary Education, the Bill will block the way towards progress in it, since it will make a heavy additional rate compulsory for the maintenance of denominational schools, and the new educational authority will hesitate to impose a double burden upon the ratepayers.*

The prospect of this double burden caused such consternation amongst the country Tories (*e.g.*, Mr. Chaplin) that the Government consented to ease the future "intolerable strain" upon the ratepayer by giving an additional yearly aid grant of £1,300,000 out of the taxes. This, of course, will help the ratepayer, as ratepayer, but even so in the counties a rate has now to be paid for elementary education, often for the first time, and it is certain that progress in higher education will be timid and hesitating.

* Price 1s. 3d. *post free* from 42, Parliament Street, S.W.

4. *Because the Bill, so far from creating "one authority" will produce a multiplication of authorities, with powers and duties so complex and conflicting that administrative chaos is the first and almost certain result.*

The compulsory, instead of optional, abolition of School Boards helps the one authority idea, but, as opposed to that, the Act (unlike the Bill) permits the Council of *every* town and urban district to be a higher education authority. The gains that accrue from the so-called "one authority" are out of all proportion small to the sacrifices that have had to be made to get even this semblance of it—of which sacrifices the abolition of the School Boards is not the least.

5. *Because the Bill allows education to be handed over to so-called education "committees" not a single member of which need be directly elected by, or responsible to, the ratepayers or the people.*

In this respect the Act differs very materially from the Bill, since words were introduced which clearly leave the supreme control with the Council, not the Committee. It remains to be seen whether this control will really reside with the Council (considering all the other duties it has to perform), or whether it will in practice come to the Committee. A majority of the Committee must now be members of the Council, though the Council of a county, if they think it desirable, may still decide otherwise. Theoretically in such a case no member of the Committee need statutorily be a member of the Council, though we are not saying that that is likely to happen.

6. *Because the Bill permits and encourages the immediate destruction in all parts of the country of the School Boards, which have done such splendid service in the cause of education during the last third of a century.*

The Act not merely permits and encourages the destruction of the School Boards—it destroys them.

7. *Because the Bill permits the entire cost of the maintenance of the Voluntary schools (except that of the up-keep of the school-house) to be taken from the taxes and rates without leaving the ratepayers any effective right of control or management.*

The Act does something more to give control—through the local education authority—than did the Bill; but the management still remains two-thirds in the hands of the denominationalists, though their sole contribution is the use of a suitable building, kept in proper repair.

8. *Because the Bill will leave the great majority of the denominational schools precisely as they are now, except that the cost of maintaining them will be thrown upon the rates, which will be enormously increased to save the pockets of the Voluntary school subscribers.*

We have already explained that the burden on the rates has been eased to the extent of £1,300,000 given out of the taxes, but subject to that this objection to the Bill is not removed by the Act. Indeed, extra care was taken to save the pockets of the voluntary subscribers, since at the last moment the denominationalists were given—

(*a*) The rent of the teacher's residence;

(*b*) A share of the endowment;

(*c*) A share of the school fees;

(*d*) The right to shift the burden of wear and tear repairs on to the local authority.

The value of these concessions—none of them in the Bill as introduced—is probably not less than half a million a year. Is it any wonder that the Bishop of Hereford spoke out bravely and strongly against the "game of grab"?

9. *Because the Bill, if passed, so far from getting rid of denominational strife, will lead to increased sectarian bitterness.*

Can anybody doubt this, now that the Bill *is* passed?

10. *Because under the specious guise of decentralisation, the Bill gets rid of the control from Whitehall which in backward counties has hitherto proved the one element of stimulus towards educational progress and efficiency, with the result that the backward counties will be more backward than ever, thus working grave injustice to the children who happen to live in them.*

The Act does nothing to get rid of this criticism of the Bill.

11. *Because the Bill, in the provision as to new schools, so arranges matters that practically all new schools will be denominational, whilst it encourages the multiplication of small schools, a policy educationally unsound.*

The New School Clauses have been passed in their original form. Looked at from any and every point of view, they form one of the very worst and most reactionary features of the Act.

12. *Because the Bill recognises and permits in schools which are to become rate-maintained the imposition of a religious test for teachers as a condition of employment in such schools.*

This is still absolutely true of all head teachers in these schools. As to assistant and pupil teachers, the managers are allowed, if (but only if) they think fit, to elect persons not of the denomination with which the school is in connection. The one real improvement is as to pupil teachers. If there is more than one candidate for the post, the local education authority elects.

# III.—THE GENERAL ELECTION OF 1900.

The Education Bill was finally got through Committee of the House of Commons by closure by compartments. Without saying that closure by compartments is never justifiable, none of the precedents which may exist for its application—whether it be the Tory Coercion Act of 1887 or the Liberal Home Rule Bill of 1893—justify its use in the present case. Mr. Balfour had the frankness, in moving for the guillotine, to admit that there had been no obstruction, and the admission cut away the only possible justification he could have pleaded. For this was an Act which had never anything to fear from the House of Lords as it emerged from the House of Commons, so in all its main clauses it is placed upon the statute book. That is one sufficient reason why the representative House ought to have had the fullest possible freedom in discussing it, whilst a second (not, in our opinion, less operative) reason is that this Bill is one which arises from the circumstances of the last General Election.

## No Express Mandate.

The Government in 1900 secured no educational mandate, whether *express* or *implied*. First as to what *expressly* the electors were asked to decide. Mr. Balfour, in one of the discussions on the Education Bill, said (on July 21st, 1902) that to concede "popular control and management of denominational schools" would be to "betray" those who had sent them to the House of Commons. Well, here are extracts from Ministerial Election addresses which show what the issue in 1900 was (the italics are our own):—

". . . . . And every citizen, therefore, who desires that the blood which men of our race from every quarter of the world have so freely shed in defence of the Empire shall not have been shed in vain is bound *to dismiss all smaller issues*, and resolve that, so far as in him lies, there shall be no break in the continuity of our national policy, no diminution in the strength of the Parliamentary forces by which that policy can alone be successfully maintained.

"This, then, gentlemen, seems to me *the essential question on which you have to decide*. Other subjects no doubt, there are of first rate importance which at the present moment engage public attention—such, for example, as the development of events in the Far East and Army organisation. But it is *not on matters like these, however interesting, that the verdict of the country can depend;* for the general principles which should guide our policy in China afford little matter for dispute, and no satisfactory attempt to utilise the lessons of the war can be made until the return to this country of Lord Roberts and the gallant troops under his command. Their capacity and courage have added lustre to our military history. Their victories have removed a standing menace to the peace and security of the Empire. They have shown us how excellent is the military material which we have at our command; and perhaps not the least of their services will consist in showing us by their experience how best that material may be turned to account."

MR. BALFOUR (*Manchester*).

"The issue, which in common with the rest of the electors of the United Kingdom, you will be called upon to decide is the most important presented to the people of this country during the present generation. We have reached the final stage in a great war, which has involved a heavy sacrifice of life and treasure, but has been made illustrious by the heroism of the Imperial forces and the patriotism of all classes of the people of the United Kingdom, and has also enlisted for the first time in the history of the Empire the enthusiastic support of our kinsmen in all the self-governing colonies. *You are now asked to say whether this war was just and inevitable or whether it was only another instance of the policy of greed and oppression of which our enemies accuse us.* Above all you are asked to decide whether the glorious valour of our soldiers, the ungrudging support of our fellow-subjects in all parts of the world, and the sacrifices which we and they have sustained are to be thrown away; or whether the objects with which the war was undertaken are to be fully secured."

MR. CHAMBERLAIN (*Birmingham*).

"Both in South Africa and in China there are grave issues requiring prompt decision by a Government which can show that the people are at its back; and it is in the interest of the early pacification of South Africa, and the successful conduct of our affairs in China, that *the constituencies should declare with no uncertain sound what policy they approve, and to whom they desire to entrust its execution.* I entertain no doubt as to your answer. You know that a party divided against itself is impotent for good; and I am convinced that, like our kinsmen beyond the seas, you realise to the full the importance to the future of our Empire of the judgment you are now invited to pronounce."

SIR M. HICKS-BEACH (*Bristol*).

"*The issue before the electors is so clear that it requires but few words to state it.* . . . We now ask that the completion of the settlement of the South African problem may be entrusted to our hands, and not turned over to that political party whose vacillation and disunion have been, and are still, the main difficulty of the situation. We ask, in order that bloodshed may be stayed and order and tranquillity restored, for such a declaration of opinion as will be regarded, both abroad and in South Africa, as final and irrevocable."

LORD GEORGE HAMILTON (*Ealing*).

"But it is *not on internal affairs, important as they are that the attention of the country is at present fixed.* For many months we have been engaged in a difficult and sanguinary war, forced upon us by the deliberate refusal of the Government of the Transvaal to accord to our subjects there the rights to which they were legitimately entitled. Persistent efforts by peaceful negotiations were made to obtain those rights, but before the conclusion of the negotiations war was declared by the Governments of the Transvaal and Orange Free State, with which we had no quarrel, and the forces of those Republics invaded the territory of the Queen. The distance from our shores of the seat of war, the nature of the country, and the elaborate preparations of the Republics made the task of this country exceptionally difficult, but by the skill of our Generals and the conspicuous bravery of our troops, both regular and volunteer, both Home and Colonial, the difficulties have been overcome and the war practically brought to a victorious termination by the incorporation of the territory of the two Republics in the dominions of the Queen, and the flight of the late President of the South African Republic.

"This result has been achieved by sacrifices we all deeply deplore, many lives have been lost, and much treasure expended. It is for you to see that

these sacrifices have not been in vain. Much still remains to be done before a final and durable settlement shall be in the hands of those who have carried this war to a successful termination, and who entered into it with the firm conviction, shared by the great majority of our countrymen at home and abroad, that it was a just and unavoidable war, or to be relegated to the hands of a party divided among themselves both as to the policy of the war and the settlement to be secured."

MR. RITCHIE (*Croydon*).

"*The main issue upon which the electors of the country are asked to pronounce their verdict is the war in South Africa.* Were the Government justified in entering upon the war? Have they done their utmost to conduct the war with vigour? Can they be trusted to finally settle the future government of the new Colonies? To all these questions I believe you will reply in the affirmative."

MR. WALTER LONG (*Bristol*).

"*The main question for the country to decide, and only the country itself can properly decide it, is the future administration of large districts of the south of the African continent.*"

MR. HANBURY (*Preston*).

"*The issue to be decided in the coming election is one of overwhelming importance. . . . It is for you to say whether you approve of the policy of her Majesty's Government in maintaining for all time the supremacy of the Queen in South Africa,* and will entrust them to arrange on that basis the future settlement of that country; or whether you will risk the loss of the objects which have been obtained at so heavy a cost by leaving that settlement to a divided Opposition, many of whom are known to be in sympathy with our enemies, and averse to any Imperial idea."

MR. AKERS-DOUGLAS (*St. Augustine's, Kent*).

"It is for you to determine whether *the settlement in South Africa*, and of the troubles which have arisen in China, should be taken out of the hands of the present Ministers and placed in those of an Opposition weakened by divided counsels and holding divergent views of the cause for which so many valuable lives have been given."

MR. ST. JOHN BRODRICK (*Guildford*).

"*The all-important issue on which the constituencies will shortly have to record their verdict in the policy of the Government in matters concerning the Empire at large, and in particular the policy they have pursued and are pursuing in South Africa.* Those of the electors who approve of that policy can hardly be in any doubt as to the vote they ought to give. The pacification and settlement of South Africa and the problems which await solution in China, demand a strong and united Government. Such a Government cannot be constructed out of the discordant elements of which the Opposition is composed.

"A Liberal majority at the polls would place in power a party without a policy and without a recognised leader, a party which on the supreme question of the day is hopelessly divided against itself.

"If Imperial matters were less urgent, I would still confidently base my appeal for your support on considerations affecting domestic affairs only. But when the future fortunes of the Empire are involved, the introduction into an Election Address of a number of other topics would be *to confuse the really vital issue.*"

MR. GERALD BALFOUR (*Leeds*).

"Her Majesty has been advised to dissolve Parliament in order that *the opinion of the country may be taken upon the policy of the Government in South Africa.*"

Mr. H. T. ANSTRUTHER (*St. Andrews*).

"The circumstances under which Parliament was dissolved make the verdict of the country upon this occasion one of exceptional importance. Lord Roberts and the troops acting under his orders have brought to the eve of a successful termination the greatest war of our generation. *It remains for the country to confirm the policy pursued by the Government and the terms of settlement which they have announced their intention of securing as its result.* . . . I invite you, gentlemen, to give your approval to the action taken by Ministers. It is essential for the peace of South Africa that their policy should have the unmistakable support of the people and that all concerned should know that, whatever changes the future may have in store, it is the fixed determination of this country that the territories now added to the British Crown shall never again be restored to the independence which they have forfeited by their unprovoked aggression. The successes won by the courage of our sailors and soldiers must not be thrown away by any weakening of our counsels after peace is restored."

MR. AUSTEN CHAMBERLAIN (*E. Worcester*).

"*The great question on which, in the present Election, you are called to pronounce is as to the policy to be adopted in the settlement of South African affairs.* . . . The war being fortunately ended by the utter defeat of the Boers, the country is now asked to decide on the terms of settlement."

MR. JESSE COLLINGS (*Birmingham*).

"The *main issue* for you to decide is whether you approve or condemn a policy which has resulted, in the face of many open and secret foes at home and abroad, in planting firmly in Africa the British flag, under which all races can enjoy equal rights and privileges."

MR. W. HAYES FISHER (*Fulham*).

"The question for the Electors of the country to decide by their votes is whether they will accept their share of responsibility for the war in South Africa which the resolute action of Lord Salisbury's Government and the gallantry of our troops have just brought to a successful conclusion, and give to that Government their *mandate to devise and carry through such a settlement in that country as will secure in it permanent and honourable peace.*"

MR. J. GRANT LAWSON (*Thirsk and Maldon*).

"*The issue before the country at the present moment is one on which you are asked to give no uncertain decision.* Under ordinary circumstances I should have dwelt upon the ample record of legislative work which has been accomplished by her Majesty's Government, and I should have touched upon various subjects to which the attention of Parliament may yet be usefully directed; but, *on the present occasion, the country is asked to affirm the justice of our policy in South Africa and to entrust to the present Government the settlement which must follow on the suspension of hostilities.*"

Sir WILLIAM WALROND (*Devonshire, Tiverton*).

"It is for you to say whether the task undertaken in South Africa is to be completed without doubt or hesitation by those who have laboured on with complete unanimity of purpose, or whether it is to be transferred to others, with this result: that its achievement must be delayed pending an attempt to reconcile their differences, and may be frustrated should any reconciliation prove impracticable."

MR. GEORGE WYNDHAM (*Dover*).

## No Implied Mandate.

In the second place, was there an *implied* mandate? No, for not only did the Government not ask for a blank cheque, but they deliberately promised that it should be crossed "War Account only." It is quite true that it was wrong and unconstitutional thus to tie their hands, but the point is that they did it. Mr. Balfour, on October 2nd, 1900, went into the Prestwich Division and made a speech, in which he argued that Mr. Cawley (the Liberal candidate) had no right to refer to domestic questions. The present Prime Minister went on to say:—

"It was not now a question of programmes of domestic legislation. . . . So far as he knew it was a question of Imperial policy."—(*Prestwich, October 2nd*, 1900.)

Mr. Chamberlain took the same line. When his Lichfield speech (*see below*) was quoted against him in the House, he retorted:—

"It is perfectly absurd . . . now to complain that we have no right to deal with education, because I, who was not the Prime Minister but speaking in my individual capacity, in a single speech out of twenty, said that the principal issue was the war."—(*House of Commons, November 11th*, 1902.)

Mr. Chamberlain was not Prime Minister, but he was Colonial Secretary, and it is nonsense to say that he spoke merely as an "individual." More, he made twelve speeches, not twenty, nearly all of them wholly concerned with the question of the war, with the exception of one speech in Birmingham, in which Mr. Chamberlain's contention was that the social programme had been carried out with the exception of old-age pensions, whilst, as to that, he (Mr. Chamberlain) "was not dead yet." Let us give some elegant extracts from the dozen speeches:—

"Now we have come practically to the end of the war; there is nothing going on now but a guerilla business which is encouraged by these men; I was going to say these traitors, but I will say instead these misguided individuals. The new chapter has begun; we have now to make a settlement which is worthy of the sacrifices which you have made; we have to quench the embers of the war, which has, I say, degenerated into guerilla tactics. We have to bring together two races in South Africa; we have to secure that the guilty shall be punished, that the loyal shall be rewarded, and in order to do that—and remember that it is a difficult task during the present situation—in order to do that we must be able to say that we have the people of England and of Scotland behind us, and that we are strong in the expressed will of the nation to carry out the policy which we have outlined faithfully. And this is the issue at this election. If then you think the war a just war, if you think that the settlement we propose is a satisfactory settlement, you must give us not merely an ordinary majority, you must give us an overwhelming majority, so that we may in the future, and not as in the past, be able to present a united front to the enemies of this country. Now was this war just?"—(*Birmingham, September 22nd.*)

"The question which every honest man should ask himself before he gives his vote was whether the war was righteous, whether it was inevitable,

and whether it could have been avoided without the sacrifice of the honour and interests of the country."—(*Bilston, September 28th.*)

"I go to a question which, after all, dominates all others, and that is the issue of this war in which we are engaged."—(*East Birmingham, September 29th.*)

"This was no ordinary election. It was an election not to decide the social and domestic issues generally before them; at such a period they had to deal with the greatest national and Imperial questions."—(*Coventry, October 1st.*)

"He met cries about 'old-age pensions' and other social questions by saying these did not form the issue at present. . . . The special issue the electors were asked to vote upon was the war."—(*Warwick, October 2nd.*)

"It was only by having a united nation behind them that the nation could secure the pacification of Africa. He asked for the support of not only those electors who were ordinarily with the Government for personal or party reasons, but of Radicals who in a time of national danger and crisis put their patriotism before their party."—(*Burton-on-Trent, October 5th.*)

"A great many of the elections had already been held, and the most extraordinary feature of them was the great turnover of the mining vote. In the North of England thousands and thousands of miners who had never voted Unionist before, who still called themselves Liberals and Radicals, had on this occasion—even if it were only to be for this occasion—supported the Unionist candidates. He did not say they had changed their views. They were probably Liberal and Radical as before, and they would probably vote for Liberals and Radicals at the next election; but at this election they had voted for the Unionist candidates. Why had they done that? . . . Because they saw that the issue at the present time was not a question of domestic policy, such as Church disestablishment or liquor prohibition, but a question of the existence of the Empire."—(*Lichfield, October 8th.*)

"He urged the electors not to think of persons or parties, but only to think of Imperial interests."—(*Stourbridge, October 9th.*)

## Possible Justifications for Lack of Mandate.

It may be admitted that a lack of a mandate might get cured in two sets of circumstances:--

(1) *Some unexpected unforeseen administrative or legislative necessity might arise.*—That is not the case here. The Education Bill of 1900 did not touch elementary education—the subject over which the controversy has arisen—nor did the Bill of 1901, although the last measure was introduced after the Cockerton judgment. More, in the report of the Board of Education, August 8th, 1902, signed by the Duke of Devonshire and Sir John Gorst, we find the following:—

"The general efficiency of public elementary schools throughout the country is maintained at a high level; and, while there is still room for improvement in many schools, very few wholly fail to provide adequate instruction for the children attending them. During the year only one school had the grant withheld on a second report of inefficiency under the provisions of Article 86 of the Code. The number of schools on which a first report of inefficiency has been made, and which have accordingly received formal warning under that Article that the next Annual Grant may be withheld if they have again to be reported as inefficient, is 23, 14 of which

were schools for older scholars and 9 schools or classes for infants. As a rule, this warning is found to produce its desired effect of stimulating managers to restore the school to an efficient state."

What happened between the withdrawal of the 1901 Bill and the 1902 Bill to make the latter one for putting the Denominational schools on the rates? Well, for one thing, 10,000 Church petitions to Mr. Balfour, begging him not merely to make the "strain" less "intolerable" but to take it away altogether (see page 65).

(2) *Public opinion might approve a measure after it was introduced, even though no previous authority existed for it.*—So far from this being the case. whenever the country has had a chance, it has shown how strongly it disapproved of the Bill. The by-election figures tell their own story. They show beyond question that a Khaki majority was used, in spite of public opinion, to pass an Education Act of which the country never received notice, and which, once introduced, it has never ratified. Could the art of government by false pretences go further?

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## IV.—EDUCATIONAL ADMINISTRATION, 1895-1903.

No administrative department has such a free hand as the Board of Education. It can endow any school with a handsome income, or can deprive it of every penny from rates and taxes; it holds the power of life or death, and itself creates from day to day the fateful laws which it administers. Nearly all progress in national education throughout the century has been accomplished through the action of the Education Department. Without its consent nothing could be done; without its initiative or approval little would have been done in many parts of the country.

Till the present Government came into power the Education Department has, through successive ministries of different political colour, maintained effectively traditions of progress. Under the present Government the "free hand" has been utilised to "put back the clock," or to retard its progress when reaction was impossible.

As soon as the present Government took office the Bishops of the Church of England arranged a deputation to Lord Salisbury, and on November 20th, 1895, presented a memorial setting forth their views and demands on the Education question. These were nine in number. They can best be described by a sentence taken from the Church newspaper, *The Guardian*, of August 2nd, 1893: "In order to keep going our own Church schools we are obliged to block, whenever we can, the general advance of the education movement." The demands of the Bishops, with the exception of one dealing with religious instruction, were designed (1) to relieve inefficient Church schools from the penalties for inefficiency, and (2) in the interest of denominational schools (which are the most inefficient part of the

national system) to "block the general advance of the educational movement." These demands raised the biggest storm of popular opposition which this Government has had to face; but by quiet and insidious changes in administration and legislation, all these demands were, in the course of a few years, partly or completely granted, and have been accompanied by other reactionary changes. Instead of assisting any district which desired to have a School Board, the Government systematically threw difficulties in the way of the electors, or even refused their request. When a Board school was desired and required, the Department again and again obstructed or refused, and compelled the ratepayers to meet pressing needs by private voluntary effort. The right to receive education without payment of fees, which it is the statutory duty of the Department to secure for every child requiring it, was in numbers of cases flatly refused; and, if given, was given grudgingly, or offered under unacceptable conditions; and in many cases schools which have been free for years were allowed to re-impose a fee on some of the children, and to continue to receive the fee grant given by Parliament in place of the fee.

These are only common types of innumerable administrative acts "which block the general advance of the educational movement," and they serve no purpose whatever except to "keep going" certain inefficient clerical schools. It is hardly necessary to mention here that the Act of 1870 preserved an absolute monopoly, free from competition, to every Voluntary school which could maintain a minimum standard of efficiency, but provided that schools which failed should be either transferred to the ratepayers or replaced by a rate-provided school. Under the present Government the Education Department protects bad schools which, with unsuitable buildings and inadequate staff, are far below the prescribed standard of efficiency. The interests of the children, and the rights of the ratepayers, are sacrificed to the convenience of clerical managers. A striking object-lesson was afforded by the debate on the new code in 1899. The inadequacy of the staff of rural schools has long been a glaring scandal. The regulations at present permit a school of one hundred and fifty children, divided into six or more classes, to be taught by one teacher and three absolutely unqualified child-apprentices. The new code contained regulations which would have substituted "an adult" for one of the apprentices, not necessarily a qualified adult, but merely an untrained "woman" of eighteen in place of one of the incompetent children of fourteen. The suggested reform was ludicrously trivial and inadequate, but it was rejected by the majority of the House of Commons after a set debate in which Mr. Balfour, Lord Cranborne, and other leading members took a prominent part. The proposal was in effect that a small fraction of the large "aid grant" just given to the Voluntary schools should secure a small instalment of long overdue reforms. It was cynically rejected. We specially mention this incident because the whole proceeding and the speeches and votes, and the avowed motives, stand on record in the Parliamentary debates. It is but one item amongst hundreds, many

of them far more disastrous. It may stand as the type of the anti-educational administration of the present Government.

Two incidents, however, deserve to be specially recorded, as showing in the clearest possible way how the Government have failed to deal with the most important educational questions arising during their tenure of office. These are connected with the Cockerton judgment and the higher elementary school minute. For many years School Boards had most reasonably and usefully provided schools of a secondary type to help to meet that deficiency in the supply of secondary education which is still the gravest defect of our national education system. These schools had always been needed, and had been carried on with great success and great efficiency. They supplied a different type of education from that provided by the grammar schools, and thus succeeded in prolonging the education of many thousands of children up to the age of 16 or 17, who would otherwise have discontinued their education when they left the elementary schools at 13 or 14. But complaints of overlapping and unfair competition were raised, partly by managers of voluntary schools, who were unable to supply such efficient higher grade schools as those which had been provided by school boards, partly by the governors of the older secondary schools, who thought that they could not keep up their number of pupils if any other type of school were allowed, and partly by private schools and other educational agencies, who were really injured by the provision of cheap and good education. The obvious duty of the Government under these circumstances was to further within proper limits the supply of this cheap and good education, for which there was so great a demand, and to lay down proper lines of delimitation between the different types of school. Even to do nothing would have been but a fault of omission. But in both directions the action of the Government was harmful and retrogressive.

Mr. Cockerton, one of the Local Government Board auditors, declared that the higher grade schools of the London School Board were carried on illegally, and his opinion was upheld by the Judges of the High Court. In preparing the case against the School Boards, the persons interested in limiting their work were much assisted by the Education Department. Under these circumstances, if the Board had not been willing to deal with the whole question comprehensively, they should, at least, have let things go on as before by legalising the action of the School Boards. Instead of this, they took the first step towards their destruction by an Act making it necessary for a School Board to obtain the permission of the Town or County Council before continuing the schools, and to close them unless this permission was obtained. This action effectively checked the provision of new schools of the type which had been so useful, and put back the clock of educational progress. The Government's action in the direction of delimitation was even more disastrous. It took the form of authorising a new type of school called a higher elementary school by a minute of the Board of Education in 1900. The immediate cause which led

to the production of the minute was the universal outcry against the injustice of the block grant code of the same year, which, while giving the inefficient schools more grants than they had had before, gave those which were highly efficient a good deal less. The minute, therefore, laid down conditions under which schools might earn higher grants, by providing systematic courses of instruction for children between eleven and fifteen years of age. Schools of this sort are most necessary in any scheme of education. They have been a great success in Scotland, and are to be found in one form or another in nearly every moderate sized town in foreign countries. But what the Board of Education seemed to be giving with one hand they took away with the other by a piece of most absolutely unfair administrative action. The minute on paper offered a principal grant of a reasonable amount on reasonable conditions, and an extra grant for practical work, and this seemed to offer the prospect that every place would be able to establish the type of school that suited it best. As administered, however, no school was recognised unless it was equipped in the most expensive way for practical work in science and many other subjects, and unless it was prepared to adopt a curriculum with a very strong bias in the direction of science. Such a bias in such schools is absolutely opposed to the principles on which similar schools are conducted in Scotland, Germany, and America, principles in which Sir John Gorst rightly said he was a firm believer, but which the Government refused to allow to be applied to the improvement of English education. The result has been that only a mere handful of schools have been allowed to earn the grants offered, instead of their provision, as ought to have been the case under sound administration, in all towns with a population of over forty or fifty thousand. It is hardly necessary to point out the motive of the Government's action. Their whole procedure was a most successful trick, having as its object the discouragement of popular education in favour of outside interests.

In many other directions the action of the Government in educational administration has been equally retrograde and partisan. Faults in our educational system are universally admitted, and it is also clear that a Conservative Government with a large majority and many years of assured office has unequalled opportunities for dealing with them. Yet, though the faults every year become clearer and more serious, things were in many ways much better in 1895 when Mr. Acland left office than they are now. He, for instance, had made provision for a slight decrease in the maximum size of the class that might be taken by a single teacher, but his successor at once dropped this most beneficial reform at the instance of the Church party. It is also much to be feared that the Government's block grant code of 1900, which is the chief reform for which they take credit, has effected no improvement in elementary education. This code provided for two scales of grant and two only, *i.e.*, 21s. or 22s. per child. Unless, therefore, a school is so inefficient that all grant is withdrawn, it must receive the grant of 21s. As a

matter of fact the grant is hardly ever withdrawn, and the practical effect, therefore, is that a school is safe of the grant however inefficient it may be. Human nature is not yet sufficiently perfect for such a system to produce good educational results, though, in relieving the pockets of denominational managers, it had just the result the Government wanted.

The failure to touch the pupil teacher system—a system, it is said, prevailing in Russia, Turkey, and England, alone among civilised nations—has been sufficiently commented upon. It was admittedly discreditable in the extreme that the Government did not proceed with the most moderate measure of improvement which they had proposed in their own code, but preferred to give way at once to the anti-educational Clerical pressure.

There has been similar neglect of everything in the nature of improving the supply of trained teachers. Even the much muzzled Inspectors of the Board of Education have, over and over again, in their annual reports, made clear how terrible are the results of the dearth of trained teachers in our schools. But nothing has been done, and here, again, the Clerical party has stood in the way of improvement. The Church has under its control a great majority of the Training Colleges, which are supported by Government grants, Some of them are far from being efficient, but, so long as the demand for training greatly exceeds the supply of proper facilities for it, even the most inefficient diocesan establishments must remain full, and the Church party and, therefore, the Government have been quite satisfied so long as this object was secured, although thousands of students annually were willing to be trained, and thus to become efficient servants of the State, if only places were provided for them.

Even where action might have been taken without any possible strain upon denominational resources, the Government has encouraged bad systems and failed to deal with evils as they arose. In secondary education their system of grants is having the effect of uprooting the older educational methods of the grammar schools which, under good conditions, produced excellent results, and replacing them by an overweighted one-sided curriculum which produces neither good general education nor the strictly utilitarian training which seems to be its object. For the evening schools a most dangerous step has been taken in removing the requirement of local responsibility and support for classes earning national grants. For elementary education, though "hooliganism" appeared as one of the effects of overcrowding in the towns, and though the decay of the agricultural industry is the effect of the depopulation of the country, the Government has tried no remedial measures of any value in the schools where, if anywhere, both evils might be combated.

In every direction the Government's action, if not retrograde as in the Cockerton case, has culpably failed to produce improvement in education, which is one of the branches of our national work in which steady improvement and progress is of the most vital importance.

The Cockerton Conspiracy and its results paved the way for the

Act of 1902. In order to remove any possible difficulty in administering the Act in the interests of the Church, the Government did not hesitate to commit a grave act of injustice to Civil servants of the Crown. They doubtless desired to remove from the Board of Education all those principal officers of its staff who had been concerned in the administration on the old equitable lines, and whose advice might possibly be based on considerations of educational progress, rather than of denominational interests. It was better, in the view of the Government, to supply their places with new men, whom it would not be necessary to wean from the educational tradition of 1870-1895.

It was no secret that the secretary of the Board, Sir George Kekewich, had not been in sympathy with the reactionary administration of the Government nor with the subordination of the Board of Education to the Church. The Government, accordingly, began by dismissing him at three weeks' notice. Then followed the retirement of the two principal assistant secretaries, Mr. White and Sir W. Abney, and of the senior chief inspector, Mr. King. Not one of these gentlemen had reached the age at which Civil servants of their standing usually retire from the service, and the public purse was therefore burdened with unnecessary pensions. In the case of Sir W. Abney a lump sum of £4,000 was granted, but it is understood that the Royal Society had interested themselves in his case.

Among the men substituted under this American system of dismissal and appointment was one subordinate official who had acted as secretary to the Cabinet Committee who framed the Education Act, and two men who had never served in the Board of Education. All the able staff of the Education Office were ruthlessly passed over.

Subsequently Mr. Sadler, the head of the Special Enquiries Department, resigned his position in consequence of his treatment by the Secretary and President. He desired adequate assistance to carry out his duties efficiently; it was denied to him through the miserable parsimony which, while squandering millions on jobbery for their friends, denies a few hundreds a year for really educational purposes. The loss of Mr. Sadler is one which will not easily be remedied.

If the action of the Government was taken with the intention of getting rid of all officials who might put the smallest difficulty in the way of the administration of the Act in the interests of the Church it has been amply justified by its results. For apparently they and their officials have worked together in hearty accord to maintain the domination of the Church over education. They began by rushing the County Councils. They were bullied, called up to the Education Office, and cajoled to make their schemes and accept "appointed days" for taking over the schools on the earliest date possible, so that the denominational schools might be put on the rates without delay. This pressure was put on, not for the benefit of education (for educationally due preparation for taking over the schools was most desirable), but because the voluntary subscriptions were disappearing and the debt on the denominational schools was increasing. The schemes themselves were objected to for denominational reasons. Many County

Councils were induced to modify their schemes by threats of the intended exercise of powers which the Board of Education did not possess. A certain number of Councils successfully resisted the pressure of the Board and maintained their authority to frame such schemes as they pleased within the four corners of the Act.

The Government have also issued a circular encouraging the perpetuation of the diocesan and other associations of voluntary schools, which were formed in order to distribute the dole given by the Voluntary Schools Act of 1897. Now that the duty of maintaining the denominational schools has been thrown upon the ratepayers, the dole is no longer given, and the associations cease to have any official position. But the circular suggested that they should be continued, and pointed out several uses to which they could be put in the interests solely of denominational bodies. This was an action that no Government department ought to have taken, but it shows clearly how strong is the present partisan bias in administration. The associations in many counties have already put successful pressure upon several managers of voluntary schools who were willing to hand the schools over to the authorities, and have prevented the transfer from being made.

How many fresh opportunities the Act affords the Government of exhibiting administrative bias the preceding analysis of its provisions will have shown. One of the most pressing of the duties of the local authorities is to see that the dilapidated and out-of-date schools are made both sanitary and convenient for teaching purposes, or are replaced by new buildings. But, as in the case of denominational schools, this will have to be done at the expense of the managers, it can hardly be expected that the Board of Education will take active steps to co-operate with the authorities in effecting the improvements required. Lord Londonderry has, indeed, already indicated that, in his opinion, buildings are of very secondary importance compared with teaching. We may reasonably wonder if this would have been his attitude if repairs and improvements had had to be provided from the rates, and a share of salaries from denominational funds.

Again, in the matters of transfer of schools and provision of new schools, the Act not only favours denominationalists in general, but gives the Board of Education every opportunity of favouring them in each particular case as it comes up. Similar examples could be multiplied, but they will become sufficiently apparent as the working of the Act develops. It is enough to say that in general, by the division of powers and responsibilities in denominational schools, by the double system of dealing with "provided" and "non-provided" schools, and by the opportunities given to the Board of Education to check progressive action and to favour sectarian interests, the Act renders economical and efficient administration of popular education an impossibility.

CHAPTER IV.

# THE ARMY AND NAVY.

## THE INCREASE IN COST.

AN expenditure upon armaments swelling from year to year has been the most significant feature of national finance since the present Government came into power. In the table below are set out the cost of our defensive forces in the last year of Liberal administration and in the last completed year of the existing Ministry.

| | | *1894-5.* | | *1902-3.* |
|---|---|---|---|---|
| Army | ... | £17,900,000 | ... | £29,310,000 |
| Navy | ... | 17,545,000 | ... | 31,255,500 |
| Total | | £35,445,000 | ... | £60,565,500 |

To the total of the Army Estimates of 1902-3 a considerable addition has to be made for services scheduled as war expenditure, a part of which at least will probably be permanent. The figures of the new financial year exceed even those of that which closed in March, 1903. According to the Estimates already presented to Parliament the total expenditure will be £64,457,500.

Although the Tories have spent these huge additional sums upon armaments, the Army administration broke down at almost every point upon which it was severely tried at the commencement of the South African war. Speaking with all the authority of a Chancellor of the Exchequer who had just previously resigned his appointment, Sir Michael Hicks-Beach said to his constituents :—

"What should they say about the South African war? Why a good many of the abuses and scandals of the South African war were public property, and they made him fear that when the history of the war, as conducted and controlled by the War Office, was investigated by the Commission of Inquiry that had been appointed, not quite so favourable a record would be passed upon it as upon the record of the war in the Soudan."—(*Bristol, September 29th*, 1902.)

The war has been made the pretext for an enormous increase in Army expenditure and in the strength of the Army. This is exactly what might be expected from the Tory party. On that subject we have the witness of Mr. Brodrick at a time when he was Under-Secretary at the War Office :—

"The discussion has been exceedingly useful. *Naturally on his own side of the House it had turned to a large extent on a demand for more.*"—(*House of Commons, February 28th*, 1898.)

Vast as is the increase in expenditure, the Tory members themselves bear witness that there has been no adequate return for the sums poured out. Upon this business Mr. John Morley has spoken some pregnant words. Dealing with the argument that these payments for armaments are the premium for national insurance, he has said:—

"There must be some proportion between your insurance premiums and your stock and your risks, and so on. But the policy that we have been pursuing for some years past is a policy that has increased the risks, and if you have now to increase your premium of insurance it is because in no small measure you have increased the risks. It is a very poor fashion of insurance, whether you be in a friendly society or a great insurance society, when you can only pay the premium on condition that you starve your children. Whilst you are lavishing these vast, fabulous sums upon this kind of expenditure you are, in no figurative sense only, starving those causes, those movements, those reforms upon which the new generation has its chance, and its only chance, of being a better, a stronger generation than that which is now gone before it."—(*Montrose, April 13th*, 1903).

## THE ARMY CORPS SCHEME.

The failures of the South African War made it clear that drastic remodelling of our Army system was absolutely necessary. Mr. Brodrick endeavoured to meet criticism by the production of a hasty scheme of reform. This he explained on the Army Estimates of 1901-2. His plan provided for the division of the United Kingdom into six army corps districts, with head-quarters at Aldershot, Salisbury Plain. Ireland, Colchester, York, and in Scotland. Other points in the scheme were:—

(1) The first three Army Corps to be composed entirely of Regulars, the remaining three to include 60 battalions of Militia and Volunteers, and 21 batteries of Field Artillery drawn from Militia and Volunteers. The Volunteers and Militia so used are to be specially trained.

(2) Officers to be appointed to command the Army Corps in peace only if fit to hold those commands in war.

(3) The raising of eight battalions of Regulars for garrison purposes, and the use of five Indian Battalions on certain stations.

(4) The increase of the strength of Militia from 100,000 to 150,000 and the creation of a real Militia Reserve of 50,000 men.

(5) The conversion of the Yeomanry into Imperial Yeomanry and the increase of the force to 35,000 men.

The total home force on paper, according to Mr. Brodrick's estimate, works out at 680,000 men.

What the reality has been is perhaps best described in the words of Mr. Winston Churchill:—

"Sometimes lately when he had watched the proceedings of the War Office, their desperate attempts to increase the paper strength of the Army by any means, whether by enlisting immature boys or 'specials,' or 'flat-

foots' who could not march, or by the creation of phantom Army corps—just about as real as the Humbert millions—or by the appointments of distinguished South African generals whose names would go down well with the public, to command brigades and divisions which did not exist, he had felt convinced that the great French fraud at which we had been amused was merely a poor, wretched private concern compared to the great English fraud which the War Office was perpetrating every day."—(*Wallsend, February 12th*, 1903.)

The Army Corps scheme was debated in May, 1901, and Sir Henry Campbell-Bannerman moved an amendment to Mr. Brodrick's proposals. The amendment was very generally supported by Conservatives in the discussion, but when a division was taken only Mr. Winston Churchill voted with the Opposition. Two years passed and a change came over the scene. On the debate upon the Address in 1903 the Army Corps scheme had to stand a strong attack from the Conservative benches, Mr. Beckett moving an amendment which reproduced, almost in identical terms, the two year old proposal of Sir Henry Campbell-Bannerman. The similarity will be seen from the following side by side comparison:—

| Sir H. Campbell-Bannerman, *May 16th*, 1901. | Mr. E. Beckett, *February 23rd*, 1903. |
|---|---|
| "That this House, while desirous of supporting measures for improving the efficiency of the Army and securing Imperial defence, is of opinion that the proposals of his Majesty's Government are in many respects not adapted to the special wants of the Empire, and largely increase the burdens of the nation without adding substantially to its military strength." | "That this House humbly regrets that the organisation of the land forces is unsuited to the needs of the Empire, and that no proportionate gain in strength and efficiency has resulted from the recent increase in military expenditure." |

The debate of 1901 was marked by the vigour of the Tory speeches against the scheme. Mr. Winston Churchill (C) said:—

"If the capacity of a War Minister might be measured by the amount of money he obtained from his colleagues, then his right hon. friend would go down to history as the greatest of War Ministers. But he thought the House would take a somewhat wider view of our Imperial responsibilities than was possible from the windows of the War Office."—(*House of Commons, May 13th*, 1901.)

Sir John Colomb (C) [Yarmouth] declared:—

"He thought their Army was adapted to the wants of the Empire, and he refused to be a party to giving the War Office any more millions to waste upon the bugbear of invasion—upon cocked hats, breastplates, red tape, and aerated honours."—(*House of Commons, May 14th*, 1901.)

Another significant speech was that of Major (now Sir Frederick) Rasch. He said:—

"He would vote for the Government's scheme if he thought that it would be of the slightest use to the service in which he once held a commission. But he did not think so, and therefore he should not follow the Secretary of State into the Lobby."—(*House of Commons, May 16th*, 1901.)

These speeches, however, were merely followed by abstentions from the division, except in the case of Mr. Winston Churchill. Two years later, when Mr. Beckett's amendment was being discussed, twenty Tories voted against the Government and seventy were absent or unpaired. Here are brief extracts from some of the speeches delivered in the course of the debate :—

Mr. Beckett (C) [Whitby] :—

"He had six objections to this army corps scheme. First, it was based on a wrong principle ; secondly, it was not suited to the real needs of the country ; thirdly, it was enormously costly ; fourthly, it did not remove the defects which the war in Africa had clearly shown to exist ; fifthly, it was not adapted to this country ; and, sixthly, it had no real existence."—(*House of Commons, February 23rd*, 1903.)

Major Seely (C) [Isle of Wight] :—

"He would say that the Army was beyond their needs. What were these three army corps for? What was proposed to be done with them? One lesson the war has taught them was that if they wanted to fight any white people they would want not three army corps but more like thirty. It stood to reason that three army corps were utterly inadequate for that purpose. He knew very well what was in the mind of many persons at the War Office and possibly elsewhere. Practically it was to show that as we could not get the men we required by voluntary enlistment we must resort to conscription. That was a counsel of folly."

Mr. Winston Churchill (C) [Oldham] :—

"As defence of the scheme it was claimed that a larger expeditionary force for foreign service would be provided and a stronger army for home defence ; and both, he believed, were unnecessary. As to foreign service one army corps was enough for fighting savages, and three were insufficient for a European conflict. Either we had command of the sea or not. If we had we required less soldiers ; if we had not we required more ships."—(*House of Commons, February 24th*, 1903.)

Sir J. Dickson-Poynder (C) [Chippenham] :—

"As he had opposed the scheme when it was originally introduced, and as its working had confirmed his worst apprehensions as to its futility, he intended to vote for the amendment. He objected to the scheme because it was subversive of Imperial interests ; lacking in appreciation of the needs of home defence ; disregarded the military resources of the country, and imposed a burden of alarming extravagance upon the taxpapers."—(*House of Commons, February 24th*, 1903.)

## THE REMOUNTS SCANDAL.

Army expenditure has been beyond all precedent—have the results been such as to justify the spending of the money? The war was attended by a series of discreditable scandals in administration—by the hay scandal, the scandal of the meat contracts, and, greatest of all, the remounts scandal. This last was unearthed by Sir J. B. Maple, and as a result of a speech made by him in June, 1901, the Government appointed a Committee to inquire into the purchase of horses in Austro-Hungary. The Committee consisted of Sir Charles Welby, C.B., M.P., Colonel Kenyon-Slaney, M.P., Mr. Charles Hobhouse,

M.P., and the Hon. E. E. Charteris. The Committee issued its report, of which the following is a summary :—

The Imperial Yeomanry Committee bought its own horses through Colonel St. Quintin, who purchased 1,500 cobs from a contractor called Lewison at £33 16s. 8d. a head and 2,300 at £26 per head. The contract was made over to one Hauser at £22 per horse, and the price actually paid by Hauser, including carriage, was £12 to £17. The Remount Department also bought horses from Hungary, obtaining through Hauser 7,000 at £30 to £35 and 5,346 at £20. The inspection of these animals was extremely unsatisfactory.

Subsequently (in March, 1902) there was issued a white paper containing much interesting information about remounts, in which the Hungarian horses, which had been bought at such exhorbitant prices, were condemned in the most unreserved manner, being frequently alluded to as "flat-catchers." In this white paper there is a report from Colonel Birkbeck on the remounts system in South Africa, which gives a striking picture of the lack of organisation and the want of experience which characterised the whole of the officers who had charge of the remounts. Speaking of the lack of expert officers, he says :—

"My opinion is that a considerable waste of public money was caused thereby, and I fear the general standard of commercial morality in the Colony was not proof against the temptations of the situation."

"The waste of public money by incompetent purchasing officers has been serious. . . . We have bought our knowledge at the expense of the public purse."

The Remount Department, in charge of General Truman, was made the subject of censure by the Committee of Inquiry, which said :—

"We feel bound to express the surprise with which we have learnt that before the decision to purchase for the Government in Hungary was actually come to in April, 1900, no steps had apparently been taken, since 1884, to ascertain the best sources of supply in that country, the best methods of tapping those sources, or the most reliable people to employ. The war had by that time been in progress six months, and it must have been obvious that a heavy drain on our remounting resources was inevitable."

As a consequence of the Parliamentary discussion of the report, Lord Roberts called upon General Truman to resign, and the latter responded by asking for a Military Court of Inquiry. This request was assented to and after some months of investigation the Committee reported.

The Court of Inquiry, which consisted of five Major-Generals, found that in times of peace the Remount Department worked admirably, but nobody seemed to have contemplated the possibility of war. It purchased, entirely in the United Kingdom, some 2,500 horses yearly. The War Office thought the department of little importance and gave it offices "in a fourth-floor flat in Victoria Street," connected to head-quarters in Pall Mall by a telephone "not convenient for confidential conversation." The department was

presided over by General Truman, an officer of absolute integrity, but not "of exceptional ability"—in the words of the Quartermaster-General. Upon the quiet solitude of the fourth-floor flat burst the spectre of war; in a moment General Truman had to provide thousands upon thousands of horses, drawn from a vast area; he was, in the words of the investigating officers, "an official on whose personal exertions and on the result of whose administration the successful prosecution of the war depended." In the circumstances General Truman did moderately well, but the rottenness of the whole system upon which the War Office depended was exposed to the whole world, and the tale was told in many a disaster.

## THE MEAT CONTRACTS.

The circumstances under which contracts were given for the supply of meat to the troops in South Africa have never yet been fully investigated, but the facts have been made fairly clear by the questions and debates in Parliament. By careful inquiry it was ascertained that:—

(1) A contract was first made with the Cold Storage Company for the supply of meat at 11d. per lb., whether fresh or frozen.

(2) A second contract, again with the Cold Storage Company, fixed the prices at 7d. per lb. for frozen meat and 10d. for fresh meat.

(3) A third contract was made with Mr. Bergl, the price for fresh meat being fixed at 8½d. per lb., while that for frozen meat was 5½d. per lb.

Mr. Bergl acted on behalf of a syndicate, and when questioned who was behind the contractor Lord Stanley gave a long explanation in which he said:—

"The names given to us in connection with the company are as follows:—Mr. Bergl, Mr. Karl Meyer, Messrs. Weil, Mr. Tymms, representing the De Beers Company; Messrs. Houlder, Mr. Hughes, representing the Federal Steamship Company; Mr. Stroyan, M.P., Messrs. Lewis and Marks, and Mr. Joel."—(*House of Commons, February 10th*, 1902.)

How huge must have been the waste of money was shown in a debate in the House of Lords in which Lord Tweedmouth said:—

"It was clear that very large profits were made by the Cold Storage Company. The statement of their amount varied much—from the least £1,100,000, which he believed might be called a sort of official estimate. . . . . But the highest amount given by Mr. Bergl was a profit on the first contract for the first year and a-half of £4,500,000, and of £1,500,000 on the last contract: or £6,000,000 in all."—(*House of Lords, February 24th*, 1902.)

The waste of six millions sterling, or of the greater part of that sum, on meat alone is scarcely testimony that with the largely increased expenditure of the War Office we have got greater efficiency.

## LIBERALS AND IMPERIAL DEFENCE.

It is a favourite claim of the Tory party that they are peculiarly fitted to "run" the Empire, and that Imperial defence is alone safe in their hands. As a fact, the Empire is quite as safe in Liberal as in

Tory hands, and Tory Ministers themselves have admitted as much. Here is what Mr. Balfour said about the state in which the Empire was left by the late Liberal Government :—

"No, gentlemen, *there never was a moment*, I believe, in the recent history of this country, *when the British Empire was a better fighting machine than it is at the present time.* The energetic efforts of successive Governments, principally the Unionist Government which existed between 1886 and 1892, and *the Home Rule Government which succeeded them between* 1892 *and* 1895, chiefly through their efforts in the last decade or more, an addition has been made to the fighting power of the Empire, of which the Empire itself, I believe, is unaware."—(*Manchester, January* 15*th*, 1896.)

The above disposes of the ridiculous legend that the last Liberal Government had neglected to take precautions for Imperial safety. Then Mr. (now Lord) Goschen said :—

"Successive First Lords of the Admiralty, Lord George Hamilton, Lord Spencer, and others, had received well-merited praise for the additions which they had made to her Majesty's Navy, and for the firmness which they had shown in adding to our national strength."—(*East Grinstead, January* 21*st*, 1896.)

The late Mr. Hanbury said :—

"Dependence must mean self-dependence, and, thanks to the late Government, we were much stronger on the water than we were fifteen years ago. Speaking as a Conservative . . . he could assure them that the nation owed a great deal to his lordship."—(*Leek, February* 3*rd*, 1896.)

The Navy has been called the "Great Soporific"—since it allows us to sleep sound at nights without fear of invasion. Well, no one need sleep less soundly because a Liberal Prime Minister wields power. In fact, a sensible man will sleep *more* soundly, since Liberal foreign policy is so much more peaceful and less provocative than Tory. To appreciate the truth of this we have only to compare the record of this Tory Government and its Liberal predecessor.

## LIBERALS AND ARMY REFORM.

It should not be forgotten in this connection that past Liberal Governments have not failed to carry out many reforms in order to strengthen the Army and to improve the conditions of service. They have introduced the short service system so that the country should be provided with a large and powerful Reserve. They abolished the degrading punishment of flogging. By putting an end to the disgraceful practice of officers buying their commissions for money, they made it possible for men to rise from the ranks. It is only necessary on this point to quote Colonel Brookfield, the late Tory member for the Rye division of Sussex :—

"Army reform was not a party question, but it would have been well for the Conservative party if years ago the safety and efficiency of the Army had been treated by Conservative Governments less on a departmental and more on a patriotic footing. It could not be denied that the only great reform in military matters which had been carried out in the present generation—that of Mr. Cardwell and his friends—was the work of their political opponents."—(*London, November* 16*th*, 1897.)

## THE WAR COMMISSION REPORT.

Since the terrible exposures which followed the conclusion of the Crimean War there has been no more telling condemnation of any Government than that contained in the Report of the Royal Commission appointed by the Tories in deference to popular demand "To inquire into the Military Preparations for the War in South Africa, and into the supply of Men, Ammunition, Equipment, and Transport by sea and land in connection with the Campaign, and into the Military Operations up to the occupation of Pretoria."

The report of the Commission was issued as a blue-book in August, 1903, and is signed by all the members :—

| | |
|---|---|
| The Earl of Elgin, K.G. | Sir J. O. Hopkins. |
| Viscount Esher. | Sir F. M. Darley. |
| Lord Strathcona. | Sir John Edge. |
| Sir G. D. Taubman-Goldie. | Sir John Jackson. |
| Sir H. W. Norman. | |

The report of the Commissioners deals in four sections with the Military Preparations for the War in South Africa; the Supply of Men; the Ammunition, Equipment, and Transport by Sea and Land; and Questions of War Office Organisation.

### THE INTELLIGENCE DEPARTMENT'S WARNINGS.

While feeling between the Home Government and that of the Transvaal Rupublic was being worked up to the acute stage, the Commissioners show that the authorities at home were kept well informed of the military preparations of the Transvaal by their own Intelligence Officers. From June 11th, 1896, when Major Altham sent home a confidential document, in which he "gives reasons for abandoning the assumption which had prevailed up to that time that the Boers would make no serious advance into either Natal or the Cape Colony during the month or six weeks which must elapse before troops sufficient for our advance can be concentrated in South Africa," there are frequent reports both from Major Altham and Sir John Ardagh. In April, 1897, Sir John Ardagh wrote home :—

"Both the Colonists and the Boers are at this moment convinced that there is a risk of war. Some of them regard it as inevitable. Under these circumstances the forces now at the disposal of the General Officer Commanding are manifestly inadequate to protect our interests during the inevitable interval between the ultimatum and the arrival of an expedition from England."

Finally, in September, 1898, Major Altham reported :—

"The Colonial Office have during the last eighteen months in official letters addressed to the War Office repeatedly drawn attention to the unsatisfactory condition of political affairs in South Africa, and to the necessity for the Imperial troops being ready for a sudden emergency."

To this was added the comment :—

The Transvaal has, during the last two years, made military preparations on a scale which can only be intended to meet the contingency of a contest with Great Britain."

## DISREGARDED WARNINGS.

Examining the preparations which were made in consequence of the reports of the Intelligence Officers, the Commissioners show that on five occasions Lord Wolseley made representations as to the desirability of reinforcing the Army in South Africa. Summarising the minutes of the Commander-in-Chief, the Commissioners find the following proposals were put forward :—

"(1) On February 22nd, 1896, an increase of one regiment of cavalry, one battery of horse artillery, and two battalions of foot ; this proposal being advocated chiefly on general strategical grounds.

"(2) On April 20th, 1898, an increase of at least one regiment of cavalry and three batteries of artillery to the Cape Colony, to make the force there complete in all arms.

"(3) On June 8th, 1899, when the actual reinforcement consisted of details—but the mobilisation of an Army Corps in England was advocated.

"(4) On July 7th, 1899, when, in addition to the mobilisation of the Army Corps, it was proposed to send 10,000 men to South Africa without delay.

"(5) On August 18th, 1899, when the despatch of 10,000 men to Natal was strongly urged."

Commenting upon these warnings of Lord Wolseley, which led ultimately to the despatch of two thousand men to Natal by the Cabinet, the Commissioners say :—

"The general impression to be derived from the whole circumstances must be that the special function of the Commander-in-Chief under the Order in Council of 1895, viz., 'the preparation of schemes of offensive and defensive operations,' was not exercised on this occasion in any systematic fashion."

## LORD LANSDOWNE'S IGNORANCE.

This passage of the Commissioners' report proceeds to throw light upon the ignorance of the Marquis of Lansdowne, the then Secretary for War, as to the real state of affairs in South Africa :—

"We were definitely informed by Lord Lansdowne that the papers of the Intelligence Division were never officially communicated to him as the basis of any proposals through the regular channel, *i.e.*, by order of the Commander-in-Chief. There arises, therefore, this somewhat extraordinary state of affairs, that the Secretary of State for War first had his attention specifically directed to important War Office papers by the Secretary of State for the Colonies, to whom they had been communicated in a sufficiently formal manner to enable him to use them officially, and to enable the Secretary of State for War to send an official reply."

The war, the Commissioners show, commenced without any plan of campaign at all, and the report continues :—

"It does not seem an unnatural supposition that a general who is sent out on an important expedition should receive written instructions showing the objective which the Government has in view. Lord Roberts stated that 'when Sir George White arrived in Natal he had no instructions in regard to the wishes of the Government as to any particular plan of campaign, nor was he aware of any general plan of operations in South Africa.'"

## THE UTTER LACK OF CO-ORDINATION.

As showing the utter lack of co-ordination between a Cabinet that was dominated by the war party and a War Office that had fallen into the hands of the peace party, a memorandum by Sir Redvers Buller, dated September 5th, 1899, and addressed to the Marquis of Salisbury, may be quoted. It opens :—

"As you ask for my ideas, I give them to you privately.

"I am not happy as to the way things are going.

"There must be some period at which the military and the diplomatic or political forces are brought into line, and, in my view, this ought to be before action is determined—in other words, before the diplomat proceeds to an ultimatum the military should be in a position to enforce it.

"This is not the case with regard to affairs in South Africa. So far as I am aware, the War Office has no idea how matters are proceeding, and it has not been consulted. I mean, that they do not know how fast diplomacy is moving."

Sir Redvers (who had already been selected to command in South Africa in case of war) went on to discuss the military situation, and wound up as follows :—

CONCLUSIONS.

"The situation is one in which the diplomatic authorities should consult with the military authorities."

In other words, the first precaution of Government had been neglected right up to the very eve of war.

## LORD ROBERTS'S COMMENTS.

Lord Roberts's comment upon the situation was as follows :—

"So far as the War Office is directly concerned, the main defects in preparation, in my opinion, were : (1) The selection of Ladysmith as the principal military station and advance depôt in Natal and leaving it absolutely undefended. Sir George White was forced to hold on to it, for had he abandoned it an immense amount of supplies and ordnance stores, which there was not time to remove, would have fallen into the enemy's hands. (2) The plan by which General Buller's force was to advance in three columns through Cape Colony towards the Orange Free State. (3) Having no properly organised Transport Department, the absence of which prevented any movement being made away from the several lines of railway. (4) The failure to foresee the necessity of employing a large force of mounted infantry. (5) Under-estimating the possible strength of the enemy, the magnitude of the theatre of the war, and consequently the number of troops that would be required for the long lines of communication. (6) Neglect to supply the Army with a proportion of heavy artillery sufficiently mobile to accompany the troops in the field. Guns of this description have always formed part of the armament of an Indian Field Force, and even in a mountainous country like Afghanistan they did good service. (7) The want of suitable maps. Whether the fortification of important points in the lines of communication was suggested by the War Office I am not aware. It certainly would have been a wise precaution, had measures been taken while there was still time, to place certain localities, such as a position behind the Tugela in Natal, and De Aar and Naaupoort Junction in Cape Colony, in a state of defence."

## THE RESPONSIBILITY OF THE CABINET.

The report fixes a very large measure of the responsibility upon the Cabinet. It states that the Cabinet declined to sanction necessary expenditure for the equipment of the small forces in South Africa on the following grounds:—

"1. That in the then existing position of the negotiations with the South African Republic it was not expedient to ask Parliament for a large sum of money and to make open preparations which might have precipitated a crisis. Considerations of this kind are not within the purview of this Commission, and belong to the sphere of general political discussion in Parliament and the country.

"2. That the Goverment had received the assurance of their military advisers that the reinforcements sent to South Africa, together with those which could be added before a field force was despatched, would ensure the defence of the Colonies from serious invasion in force by the Boers."

The Commissioners deal with the Cabinet as tenderly as possible in the circumstances, but they say:—

"In determining the measure of responsibility for deficiencies, it must be remembered that no one, even in the Intelligence Department, ever anticipated the Boers to be capable of so sustained an effort on a large scale. It was a dash at Natal that was apprehended. That apprehension, however, might be said to have been communicated to the Cabinet, and was certainly known to the Colonial and War Secretaries. It was an apprehension of which civilians could well take cognisance, and, though it undoubtedly lay with the military heads of the War Office to develop and insist upon the danger which it involved, as, indeed, Sir John Ardagh did insist in his memorandum of April, 1897, we are not prepared to say that in estimating the admitted risks of the policy which they adopted the Cabinet itself gave due consideration to this very essential point."

## THE LESSON NOT LEARNT.

Regarding the supply of men, their education, physique, intelligence, and soldierly equipment, the report has much to say both in praise and disparagement, and there are useful comments upon the colonial contingents and the auxiliary forces, but these matters are military rather than of political significance. This section of the report concludes with the pregnant observation:—

"We regret to say that we are not satisfied that enough is being done to place matters on a better footing in the event of another emergency. . . . So far as we can learn, nothing has been done to collect systematically the valuable experience of the officers who worked that organisation, certainly nothing to formulate that experience, to embody it in hand-books, or to create a frame-work which would be ready for prompt and effective action."

## HOME UNPREPAREDNESS.

As to the state of preparedness at home abundance of evidence is quoted by the Commissioners. Here are a few extracts:—

"The reserve of 151,000,000 rounds of ammunition included about 66,000,000 rounds, which, as events went, were not available at all for the purposes of this war."

On the 20th November, 1899, the Secretary of State, in reply to requisitions from Sir Redvers Buller, had to cable that "there is only eight weeks' supply of Mark II. ·303 in ball ammunition in the country, and all gun ammunition will be exhausted before eight weeks."

Sir Henry Brackenbury stated that :—

"A great deal of the machinery in the ordnance factories urgently needed replacement by labour-saving machines, and we had no real reserve of power of output in the country.

"As regards the reserve of 200,000 rifles, it was discovered that the sighting was incorrect, and that the rifle shot 8 inches to the right at a distance of 500 yards.

"In the case of cavalry swords the authorised reserve was 6,000, but in consequence of the fact that a change in pattern had been long under consideration the reserve had fallen to eighty swords.

"Sir John French thought that 'the present cavalry sword is the very worst that could possibly be used for any mounted troops at all.'

"Major-General Baden-Powell said : 'The present sword is a perfectly useless weapon, to my mind, whether as a sword or anything else."

Before the outbreak of the war, there were in stock complete kits for 82,500 men, intended for the equipment of reservists in the event of active service. Of this the great-coats and a few other articles were considered to be fit for service in South Africa, but the whole of the body clothing was unsuitable for active service in that country, and perhaps in most countries where active service may be expected, because it was not khaki, but red and blue clothing.

The chief defect of the ammunition pouches supplied was that ammunition was easily lost out of them, especially when men ran. Lord Kitchener observed that "our losses in ammunition in this campaign, which in itself proved a source of supply to the enemy, cannot be ascribed to a want of care of the individual soldier so much as to the peculiar unsuitability of the article supplied to him in which to carry his rounds."

And this was the handiwork of a Government which actually obtained office on the allegation that their predecessors had neglected to have a sufficient supply of cordite!

## RESPONSIBILITY OF LORD LANSDOWNE.

The Commissioners, when dealing with War Office organisation, commend the work of the Army Board, but Lord Esher, in a strong note appended to the main report, recommends the reorganisation of the War Office Council and the abolition of the office of Commander-in-Chief. He adds :—

"The condition in 1899, as disclosed in Sir H. Brackenbury's Memorandum of our armaments, of our fortresses, of the clothing department, of the transport of the Army Medical Corps, of the system of remounts, shows that either the Secretary of State was culpable of neglect, or that he was in ignorance of the facts."

Sir George Taubman-Goldie agrees with the note of Lord Esher in regard to the Commander-in-Chief, and adds that the hope expressed by the report "that the state of affairs in 1899 cannot recur is on my part a wish and not an expectation."

CHAPTER V.

# THE TORY SOCIAL PROGRAMME.

## I.—THE TORY PROMISE.

"We have had Commission after Commission inquiring into social questions, seeking if in these ways may be found a programme of social reform. I blame no one for the appointment of these Commissions. When Governments, either for their own will or the necessities of their position, are forced to spend their existence in a close political conflict, it is not likely that they can find time or energy to spare to the consideration of those questions which are not political. Royal Commissions are invaluable as a means of obtaining information on the subjects that have to be inquired into, but these subjects, for the purpose of practical action, require the attention, not of any irresponsible bodies of Royal Commissioners, but the attention which we Unionists desire to give if we are permitted to return to power."

**The Duke of Devonshire** at DARLINGTON,
General Election, 1895 (*July 8th*).

"We believe that we are in a position, which our opponents are not, to give our whole attention to those great social questions which underlie the happiness and the welfare of the masses of the people."

**Mr. Chamberlain** in NORTH LAMBETH,
General Election, 1895 (*July 6th*).

"I observe that Lord Rosebery is always sneering at me as an inventor of programmes. There is only one thing I will say, and that is that my programmes have a very happy knack of being carried out."

**Mr. Chamberlain** in NORTH LAMBETH,
General Election, 1895 (*July 6th*).

"I have expressed more than once my full approval of the principles involved in Mr. Chamberlain's proposals."

**Lord Salisbury**, Letter dated *January 14th*, 1895.

"These and other things I could have put before you; but there is a question, gentlemen, that comes before them all, and which you have first to decide. That question is—Do you want to have social legislation? Do you want to have social legislation, or do you desire, on the contrary, once more to continue in the course of revolutionary, destructive reforms in our Constitution and in our great institutions? It is the choice which you have to make at the present election, and it is upon your decision, I believe, on that point that your votes will be given."

**Mr. Chamberlain** at BIRMINGHAM,
General Election, 1895 (*July 10th*).

"Let us see what Lord Salisbury says about Mr. Chamberlain's programme. He was writing to a correspondent who had sent him a copy of a speech delivered by a Gladstonian, and he says: 'I have not seen any report of the speech to which you refer. I understand from you that the speaker represented me as saying that I thought Mr. Chamberlain's programme was not exactly robbery, but that I hated it. If he attributed any such statement to me he was amusing himself with an extravagant invention. I have never said anything at all resembling what he appears to have imputed to me, and I have expressed, more than once, full approval of the principles involved in Mr. Chamberlain's proposal.' After that what is the good of our opponents saying time after time that it matters not what are the proposals which I have put before you, and which I have advocated, because the Conservative party are unanimously opposed to them? I tell you if I have joined it is not because I have changed my opinions which I have expressed to you with regard to those questions of social reform, which I shall hold to be of the highest possible importance; but it is because I believed that in my present position—with the additional influence which it gives to me, with the additional knowledge, with the additional opportunities—I may be able to do more to further that policy than I could do as an independent member."

**Mr. Chamberlain** at BIRMINGHAM,
General Election, 1895 (*July 10th*).

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"I am not going to make wild promises that I cannot fulfil, nor to give pledges that I know must be broken."

**Mr. Chamberlain** at WALSALL,
General Election, 1895 (*July 15th*).

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"In my opinion the time of Parliament should now mainly be devoted to a subject which is of peculiar interest to England—the improvement of the condition of the people on the basis of our existing social organisation.

**Sir M. Hicks-Beach,** 1895 Election Address in WEST BRISTOL.

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"The leaders of both sections of the Unionist party have declared that it is their duty to promote such social legislation as will advance the interest of the working classes and of the whole community, and I should, if elected as your representative, be prepared to give them in carrying out this policy my most earnest support."

**Sir R. B. Finlay, K.C.** (Attorney-General),
1895 Election Address in INVERNESS BOROUGHS.

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"In spite of the changes which have taken place, in spite of the great loss we have sustained in the withdrawal of Lord Salisbury's ripe experience from our councils, it is still the same party and the same Government which is in power."

**Mr. Austen Chamberlain** at BIRMINGHAM,
(*January 6th*, 1903).

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## II.—WHAT THE TORIES HAVE DONE.

We deal in the next succeeding chapters with the Tory social promises in detail, but the above extracts will show what was the general character of the Unionist promise in 1895. The electors were told to vote for the Unionists, who would give their "whole attention"

(*Mr. Chamberlain*) to Social questions. The elector's "first" question was to be, "Do I wish to have social legislation?" If he said "Yes," he was bidden by Mr. Chamberlain to vote Tory. He was further told that from the Unionists he might expect "practical action," not more Royal Commissions (*the Duke of Devonshire*). Could any more scathing criticism of the actual Tory record well be imagined?

The two detailed statements of the Social promises of 1895 are to be found in (1) Mr. Chamberlain's "Social Programme" Speech at Birmingham and (2) Mr. Balfour's Poll Card.

## MR. CHAMBERLAIN'S PROGRAMME.

**Liberal Unionist Leaflet.**

(*Issued from Head-quarters.*)

### SOCIAL REFORM.

| MR. CHAMBERLAIN'S PROGRAMME. | PERFORMANCE BY LEGISLATION. [*Up to end of Session of* 1903.] |
|---|---|
| This is the programme MR. CHAMBERLAIN unfolded to his constituents at Birmingham in his annual address on October 11th, 1894:— | |
| 1.—Improvement of the houses of the working classes. Purchase of their houses by artisans on favourable terms, giving them the same advantages as Irish tenants enjoy. | 1.—Housing Acts, 1900 and 1903. The unused Small Houses (Acquisition) Act. |
| 2.—Power given to the Government to deal with alien immigration. | 2.—Nothing. |
| 3.—Old Age Pensions. | 3.—Nothing. |
| 4.—Shorter hours in shops. | 4.—Nothing. |
| 5.—Compensation to workers for every injury they suffer, whether caused by negligence or not. | 5.—Compensation to *some* workers for *some* injuries they suffer. |
| 6.—An experimental Eight Hours Day in the Mining industry. | 6.—Nothing. |
| 7.—Temperance Reform. | 7.—The Licensing Act, 1902. |
| 8.—Creation of a judicial tribunal in all industrial centres for the settlement of disputes. | 8.—The Conciliation Act of 1896. |

## MR. BALFOUR'S 1895 ELECTION CARD.

| THE PROGRAMME OF THE UNIONIST PARTY. | PERFORMANCE. [*Up to end of Session of* 1903.] |
|---|---|
| 1.—An "Imperial" foreign policy. | 1.—Which has proved rather costly. |
| 2.—A strong Navy. | 2.—Naval expenditure enormously increased. |
| 3.—The Referendum. | 3.—Nothing. |
| 4.—Poor-law Reform (*a*) by the classification of paupers, and (*b*) old age pensions. | 4.—Nothing. |
| 5.—Employers' Liability, with universal compensation for all accidents. | 5.—Employers' Liability, with partial compensation for some accidents. |
| 6.—The improvement of the dwellings of the poor. | 6.—Nothing. |
| 7.—The extension of small holdings. | 7.—Hardly anything. |
| 8.—The exclusion of pauper aliens. | 8.—Nothing. |
| 9.—Poor-law and School-board rates to be charges on the Imperial Exchequer. | 9.—The Education Act, 1902. |
| 10.—Church defence. | 10.—The Benefices Act. |
| 11.—Registration reform, with a re-distribution of seats so as to secure "one vote, one value." | 11.—Nothing. |
| 12.—Facilities to enable working men to purchase their own dwellings. | 12.—The unused and useless Small Houses (Acquisition) Act. |
| 13.—Fair wages for Government workmen. | 13.—Hardly anything. |
| 14. — Scotland : (*a*) Public works on the west coast, (*b*) the local management of private Bill legislation. | 14.—(*a*) A slight attempt to start public works, (*b*) Act passed. |
| 15.—Ireland : (*a*) Local government, (*b*) public works. | 15.—Local Government Act of 1898 passed, part of which gives £300,000 a-year directly to Irish landowners. |

CHAPTER VI.

# OLD AGE PENSIONS.

## I.—THE TORY PROMISE.

### A.—1895.

"My proposal is more modest than that, and therefore it is a more practical one. I want to see, then, in the first place, a distinction made in the administration of the Poor Law, between those who have good characters behind them and those who have been brought to poverty by their own fault. I want, in the second place, to assist friendly societies. I want to enable them to secure Old Age Pensions to their members, and to secure them at a cost which will be well within their means. My proposal, broadly, is *so simple* that anyone can understand it. I suggest wherever a man has acquired for himself in a friendly society or other society a pension amounting to 2s. 6d. a week, that the State should come in and double the pension."

**Mr. Chamberlain** at HANLEY,
General Election 1895 (*July 12th*).

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"IV. Poor Law reform (*a*) by the classification of paupers and (*b*) Old Age Pensions."

**Mr. Balfour's** EAST MANCHESTER Election
Card, General Election 1895.

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"We believe that much yet remains to be done . . . . for enabling them (*the people*) to make provision for old age."

**The Duke of Devonshire** at DARLINGTON,
General Election 1895 (*July 8th*).

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"The present provisions of our Poor Law, declared by Mr. Balfour to be 'a blot on our civilisation,' will be considered with a view to enable the aged poor to spend their later years in a state of reasonable comfort."

**Mr. Jesse Collings, M.P.** (late Under Secretary Home Office),
1895 Election Address in BIRMINGHAM (BORDESLEY).

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"The Unionist leaders have announced their intention of devoting the time of Parliament to measures which include Old Age Pensions. . . . "

**The Earl of Dalkeith** (Tory M.P.), 1895 Election
Address in ROXBURGHSHIRE.

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"There is also . . . the pension scheme for the deserving aged poor."

**Mr. R. S. Donkin** (Tory M.P.), 1895 Election
Address at TYNEMOUTH.

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"I shall support Mr. Chamberlain's scheme for Old Age Pensions."

**Mr. H. C. Richards, K.C.** (Tory M.P.), 1895 Election
Address in EAST FINSBURY.

"I stand as a supporter of the Unionist Government, who are pledged to devote their attention to social reforms such as provision for old age for the industrial classes. . . ."

**Mr. W. Thorburn** (Liberal Unionist M.P.), 1895 Election Address in PEEBLES and SELKIRK.

## B.—1900.

"I am accused very often of bringing forward programmes, and my opponents—Sir William Harcourt, for instance, and others who have given as many minutes to these questions concerning the welfare of the working man as I have given days and weeks—these men say, 'Mr. Chamberlain brings forward programmes, but he does not carry them.' That is absolutely the reverse of the fact. Every single thing of importance which I have brought forward at different times, for which I myself have prepared proposals and schemes in order that they may be practically carried out, every one of those has been carried into law except the Old Age Pensions. But we have not done with Old Age Pensions. I am not dead yet. . . . I will now go back to what we were talking about—Old Age Pensions. I do not like very much the use of that word; it misrepresents what I have said to you on many previous occasions here. . . . What I promised was not universal Old Age Pensions, which I do not believe in; what I promised was to do my utmost to enable working men to make better provision for their old age. My principle is to help those who help themselves. It has turned out to be, I perfectly freely admit, a much more difficult matter than it seemed to be at first. I have given days and nights and I have made more than one proposal, but the basis of my proposal substantially has always been this—if a working man could show, when he had got to the age of sixty-five, that he had lived a decent, industrious, honest life, if he had made any provision for himself, then the State should come in and increase that provision and he should be put in a better position. Now Councillor Stevens comes down and taunts me with having done nothing. As I have said, the tale is not quite told yet. Perhaps, if he will give me time, I shall be more fortunate than I have been in the past. . . ."

**Mr. Chamberlain** at BIRMINGHAM, General Election 1900 (*September 29th*).

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"I regret that it has not hitherto been possible to find a practicable system of State-Aided Pensions for the aged poor, but I continue to believe that some system can be devised, and I should gladly support it."

**Mr. H. W. Forster** (Tory Whip), 1900 Election Address in SEVENOAKS.

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"There are reasons for believing that it (the Government) will deal next with the improvement of the condition of the deserving poor. . . ."

**Mr. F. Platt-Higgins** (Tory M.P.), 1900 Election Address in SALFORD (NORTH).

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"I believe the Unionist party will do their best to carry out a scheme of Old Age Pensions if they are returned to power."

**Mr. J. S. G. Pemberton** (Tory M.P.), 1900 Election Address in SUNDERLAND.

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"I am not unmindful of other matter which await solution—Old Age Pensions . . . and various other kindred subjects remain to be dealt with."

**Mr. R. A. Yerburgh** (Tory M.P.), 1900 Election Address in CHESTER.

# II.—WHAT THE TORIES HAVE DONE.

Mr. Chamberlain has made all kinds of explanations about Old Age Pensions (set out elsewhere, at page 114), but the Government record from 1895 to 1903 consists in the appointment of (1) an Expert Commission, (2) a Select Commission of the House of Commons, and (3) a Departmental Committee. The subject has never got as far as a mention in the Queen's or King's Speech. All that has been done has been that Ministers have tried by hook or by crook to get someone to invent the scheme they could (or would) not invent themselves.

## THE "EXPERT" COMMISSION.

The "Expert Committee" was appointed in July, 1896, and consisted of five Government officials, one actuary, and two representatives of the Friendly Societies, presided over by Lord Rothschild. After two years it reported in July, 1898. The Report can be summed up very shortly:—

(1) In response to an advertisement for schemes the Committee received upwards of 100. Of these the Committee found themselves able to recommend none.

(2) The Committee tried their hand at formulating a scheme of their own. After a prolonged discussion they gave up the matter as a bad job.

(3) They had, therefore, nothing to recommend except that the working man should have recourse to "prudence, self-reliance, and self-denial," in which case he would get along capitally without any Old Age Pensions. The Committee's own words in their report are:—

"We have now described the course which our inquiry has followed, the substance of the evidence which we have had before us—including that taken by the Royal Commission on the Aged Poor—and the effect which a close examination of that evidence has had upon our minds.

"We approached our task with a deep sense of the importance of the question into which we were charged to inquire, and of the benefit which would be conferred upon the community if a scheme could be elaborated giving encouragement to the industrial classes by the exercise of thrift and self-denial to make provision for old age, while it fulfilled the several conditions prescribed by the terms of our reference.

"It is only very slowly, and with very great reluctance, that we have been forced to the conclusion that none of the schemes submitted to us would attain the objects which the Government had in view, and that we ourselves are unable, after repeated attempts, to devise any proposal free from grave inherent disadvantages.

"The steps by which we have arrived at this conclusion are already stated, and we will not repeat them, but before closing our report we desire to refer to one consideration which the course of our inquiry has strongly impressed upon us. It is that a large and constantly increasing number of the industrial population of this country do, already, by prudence, self-reliance, and self-denial make their old age independent and respected. We entertain a strong hope that the improvement which is constantly taking place in the financial and moral conditions of labour

will do much to deprive the problem we have had to consider of the importance now attaching to it."

These conclusions provoke the kind of criticism that when the sky falls it will catch all the larks. The subject of Old Age Pensions has for a good many years past provoked much discussion, and up to a certain point that discussion was conducted on non-party lines. It was felt to be of so much complexity and difficulty that what was wanted was that all interested in social reform should put their heads together to try and devise some scheme for bettering the lot and condition of the workman in his old age. The Liberal Government appointed a Commission to consider the whole subject of the lot of the aged poor. That Commission discussed, amongst other things, the question of Old Age Pensions without being able to agree upon any definite proposal that fell within the range of what was practicable and possible. This was in 1894, but in the autumn of that year Mr. Chamberlain put Old Age Pensions into the "Social Programme" which he promulgated at Birmingham, and the question by the time the General Election was fought was one upon which the Unionist party were without doubt pledged. This pledge (as will be seen from the extracts already given at page 107) was not to enquire whether anything *could* be done, but actually to *do something*. Just as an invitation to dinner is not a promise to advertise for a cook, so the invitation at the last General Election to vote for Jones (the Tory Candidate) "and Old Age Pensions" was not a mere promise that the Tory party would grope about and devise an Old Age Pension scheme if they could, but a definite undertaking that the Unionist Government would legislate on the subject. This was also the view taken by a number of Unionist Members of Parliament. Upwards of a hundred accordingly signed (July, 1898) a memorial in the following terms:—

"In view of the inconclusive results of the enquiry undertaken by the Committee on Old Age Pensions and the restricted character of the reference to that Committee,

"And having regard (1) to the importance of securing some better provision for the aged poor than now exists; (2) to the expectations of legislation aroused among the electors at the last election; and (3) to the length of time which has elapsed since then without any progress having been made towards the solution of the question,

"The following Members of Parliament, supporters of the Government, respectfully submit

"That a definite attempt should be made by the Government next Session to legislate in fulfilment of the pledges given at the last General Election by members of the Government on the subject of Old Age Pensions."

## THE SELECT COMMITTEE OF THE HOUSE OF COMMONS.

On March 22nd, 1899, Mr. Lionel Holland (in the absence through illness of Sir Fortescue Flannery) moved the second reading of an Old Age Pension Bill. The Government thereupon promised to appoint a Select Committee of the House of Commons on the subject. Mr.

Chamberlain spoke, deprecating the subject being made "an instrument of political controversy," which only meant that he felt that it was no longer possible for *him* to make any party capital out of it. Mr. Chamberlain, with his customary audacity, tried to show that it was the Liberal party which had promised Old Age Pensions, but the real facts are :—

(1) That the Tory party, through its leaders, was definitely committed to legislate on Old Age Pensions—we do not say to a universal scheme, but (say) to the "so simple" scheme mentioned at Hanley in July, 1895. Mr. Chamberlain, the "spokesman," put Old Age Pensions in his programme, which was definitely approved by Lord Salisbury.

(2) Certain individual Liberals said that they were in favour of Mr. Booth's scheme—the universal one. As a party the Liberal party was committed to nothing—not because in principle Liberals do not approve of Old Age Pensions, but because they had, as a party, no definite scheme to offer. If you invite a man to dinner, it is not sufficient to approve of eating "in principle." The man who was invited to vote for the Tory "and Old Age Pensions" was "so simple" as to imagine that when Mr. Chamberlain talked about a "scheme" he meant something definite which Mr. Chamberlain, if returned to power, would carry through. Yet on March 27th, 1899, he said in a letter :—

"I think we are now well acquainted with all the facts, and what are now wanted are practical recommendations."

On April 24th the Select Committee was actually set up after a debate rendered memorable by Mr. Asquith's retort to Mr. Chamberlain's interjected remark that his own 1895 speeches constituted "a proposal, not a promise." Mr. Asquith said :—

"I am greatly indebted to the right hon. gentleman for the distinction. I think it will be sufficient to maintain an action for breach of promise."—(*House of Commons, April 24th*, 1899.)

The Committee was nominated on May 1st, and the importance attached to the question by the Government may be imagined from the fact that they put Mr. Chaplin to preside over its deliberations. The Committee reported in July, 1899.

The Committee, acknowledging their indebtedness to the scheme framed by the Charity Commissioners, the results of which have proved, after many years of trial, to be productive of good effects, set forth that a scheme for Old Age Pensions should include the following conditions :—

## WHO ARE TO HAVE THE PENSIONS.

"Any person who satisfies the pension authority that he—

(1) Is a British subject ;

(2) Is sixty-five years of age ;

(3) Has not within the last twenty years been convicted of an offence and sentenced to penal servitude or imprisonment without the option of a fine ;

(4) Has not received poor relief other than medical relief, unless under circumstances of a wholly exceptional character, during twenty years prior to the application for a pension;

(5) Is resident within the district of the pension authority;

(6) Has not an income from any source of more than ten shillings a week; and

(7) Has endeavoured to the best of his ability, by his industry, or by the exercise of reasonable providence, to make provision for himself and those immediately dependent on him;

shall receive a certificate to that effect, and be entitled to a pension.

"With reference to the exercise of reasonable providence, we think that the authority should be bound to take into consideration whether, and how far, it has been shown, either by membership of a benefit society for a period of years, or by the endeavour of the applicant to make some provision for his own support by means of savings, or investments, or some other definite mode of thrift. The expression 'person' means either man or woman."

## THE MACHINERY OF THE SCHEME.

The general plan suggested by the Committee is as follows:—

"(1) That a pension authority should be established in each union of the country, to receive and to determine applications for pensions.

"(2) That the authority for this purpose should be a committee of not less than six or more than twelve members appointed by the Guardians from their own number in the first instance.

"(3) That the committee, when so appointed, should be independent of the Board of Guardians, and that other members should be added to it, subject to regulations to be made by the Local Government Board, and that it is desirable that other public bodies within the area should be represented on the committee, and that a majority of the committee shall be members of the Board of Guardians.

"(4) That the cost of the pensions should be borne by the common fund of the union, and that a contribution from Imperial sources should be made to that fund in aid of the general cost of the Poor Law administration, such contribution to be allocated not in proportion to the amount distributed in each union in respect of pensions, but on the basis of population, not to exceed one-half of the estimated cost of the pensions.

"(5) That the amount of the pensions in each district should be fixed at not less than 5s. or more than 7s. a week, at the discretion of the committee, according to the cost of living in the locality, and that it should be paid through the medium of the Post Office.

"(6) That the pension should be awarded for a period of not less than three years, to be renewed at the end of that period, but subject to withdrawal at any time by the pension authority, if in their opinion the circumstances should demand it."

## THE COST.

No Old Age Pension scheme is practicable apart from its finance. But as to that the Committee say:—

"We think . . . that this branch of the subject should be further investigated during the recess by competent experts on the basis of the proposal that we recommend."

The final division on this report was as follows:—

| For. | Against. |
|---|---|
| Mr. Anstruther. | Mr. Cripps. |
| Mr. Davitt. | Lord Edmond Fitzmaurice. |
| Sir Fortescue Flannery. | Sir Walter Foster. |
| Mr. Hedderwick. | Mr. Lecky. |
| Sir Samuel Hoare. | |
| Mr. Lionel Holland. | |
| Mr. Lloyd-George. | |
| Mr. A. K. Lloyd. | |
| Mr. Woods. | |

## THE DEPARTMENTAL COMMITTEE.

The Government appointed a Committee, consisting of Sir Edward W. Hamilton, K.C.B. (chairman), Mr. Edward William Brabrook, C.B., Mr. Samuel Butler Provis, C.B., and Mr. Noel A. Humphreys, to arrive at some estimate of the cost which such a scheme as that recommended by the Select Committee, if put into operation, would involve. This Committee reported in the early part of 1900. The following table shows the total estimated cost of giving effect to the Select Committee's recommendations in the three parts of the United Kingdom together:—

| | England and Wales. No. | Scotland. No. | Ireland. No. | United Kingdom. No. |
|---|---|---|---|---|
| Estimated number of persons over 65 years of age in 1901 | 1,517,000 | 221,000 | 278,000 | 2,016,000 |
| Deduct: | | | | |
| (1) For those whose incomes exceed 10s. a week | 561,000 | 77,000 | 103,000 | 741,000 |
| (2) For paupers | 410,000 | 35,000 | 70,000 | 515,000 |
| (3) For aliens, criminals, and lunatics | 25,000 | 3,500 | 3,500 | 32,000 |
| (4) For inability to comply with thrift test | 52,000 | 10,500 | 10,200 | 72,700 |
| Total deductions | 1,048,000 | 126,000 | 186,700 | 1,360,700 |
| Estimated number of pensionable persons | 469,000 | 95,000 | 91,300 | 655,300 |
| | £ | £ | £ | £ |
| Estimated cost | 7,316,000 | 1,359,000 | 1,301,000 | 9,976,000 |
| Add administrative expenses (3 per cent.) | 219,000 | 41,000 | 39,000 | 299,000 |
| Total estimated cost... | 7,535,000 | 1,400,000 | 1,340,000 | 10,275,000 |
| In round figures | 7,550,000 | 1,400,000 | 1,350,000 | 10,300,000 |

In a summary of the estimated financial effects (in round figures) of the pension scheme propounded by the Select Committee on the several assumptions that the pensionable age is fixed (1) at 65, as recommended by the Committee, and also (2) at 70 and (3) at 75, the report gives the following figures for the United Kingdom:—

| | *On the assumption that the pensionable age is* | | |
|---|---|---|---|
| | 65 | 70 | 75 |
| | £ | £ | £ |
| 1901 ... | 10,300,000 ... | 5,950,000 ... | 2,950,000 |
| 1911 ... | 12,650,000 ... | 7,450,000 ... | 3,700,000 |
| 1921 ... | 15,650,000 ... | 9,550,000 ... | 4,950,000 |

## MR. CHAMBERLAIN'S OLD AGE PENSION RECORD.

1. *April 4th*, 1894.—Voted for an Old Age Pensions Bill, not because he approved all its details, but because *he could not conscientiously lose a chance of supporting the sacred principle involved in it.*

2. *September 5th*, 1894.—*Attacked the Liberal Government* (at Liverpool) for having (as he declared) voted against Old Age Pensions by not assenting to second reading of this particular Bill.

3. *October 11th*, 1894.—Old Age Pensions deliberately included in *the Social Programme*, promulgated to the whole country at Birmingham.

4. *July 12th*, 1895.—Said in the course of the General Election at Hanley: "*My proposal, broadly, is* SO SIMPLE *that anyone can understand it.*"

5. *July*, 1895.—The "so simple" electors believed this, and elected the Government of which Mr. Chamberlain is (on social questions) the "spokesman."

6. *June 26th*, 1896.—Subject found to be "*most complicated*," and Mr. Chamberlain, *now Colonial Secretary*, said that he *never* "PROMISED" *anything.*

7. *January 11th*, 1897.—Everything must "*necessarily await*" report of *Old Age Pensions Expert Commission.*

8. *January 30th*, 1897.—Mr. Chamberlain explains to a Romford elector that he *never* "*promised*" *Old Age Pensions;* all he did was to "*advocate a proposal to assist the poorer classes to obtain them . . .*"!

9. *March 23rd*, 1898.—Mr. Chamberlain's Government *oppose the second reading of the very same Old Age Pensions Bill for which Mr. Chamberlain voted in* 1894.

10. *July*, 1898.—The Old Age Pensions Expert Commission at last reports, says that *nothing can be done*, and that nothing need be done if the workmen will only trust to "PRUDENCE, SELF-RELIANCE, AND SELF-DENIAL."

11. *July 11th*, 1898.—All that Mr. Chamberlain can say is that "*the resources of civilisation*" *are not exhausted.*

12. *November 15th*, 1898.—Mr. Chamberlain once again denies having "promised" anything (at Manchester):—

"But what I urged at the time of the general election was that a committee of experts should be appointed in the hope that they would find

some practical solution of the difficulty, and *I did not myself make any promise that went beyond that*, namely, that I would use my influence to secure the appointment of that committee, and, as you know, one of the first acts of the Government was to appoint a committee, the composition of which was as good and as careful as it possibly could be made."

13. *February*, 1899.—Mr. Chamberlain declares that he is too much "OCCUPIED" at the Colonial Office to discuss Old Age Pension schemes.

14. *March 22nd*, 1899.—Mr. Chamberlain admits that the only chance of doing anything is to appoint a Select Committee. This Committee has produced a scheme which it is found will cost far too much to permit of its being carried.

15. *September 29th*, 1900.—Mr. Chamberlain declares (at Birmingham) that he "has not done with Old Age Pensions—*I am not dead yet*," but objects to the phrase. "I do not like very much the use of that word." We don't wonder.

16. *May 27th*, 1901.—Mr. Chamberlain declares, to Oddfellows at Birmingham, that the matter has been made, what it should never have been made, "a subject of party controversy." Another instance of the Devil rebuking sin.

17. *October 25th*, 1901.—Mr. Chamberlain complains that "one of the falsehoods which are told" about him—"they are like the sands of the sea, you can never count them"—is that he promised Old Age Pensions. "I never promised anything of the kind." (See Nos. 3 and 4.)

18. *January 6th*, 1902.—Mr. Chamberlain (at Birmingham) definitely washes his hands of Old Age Pensions until a "practical scheme" is produced by somebody else.

19. *February 12th*, 1903.—Mr. Austen Chamberlain, Postmaster-General, having had his attention called by a correspondent to a report that his father, the Colonial Secretary, had in hand a revised scheme of Old Age Pensions, replied "that he did not think there was any likelihood of the subject of Old Age Pensions being dealt with by the Government this year."

20. *May 22nd*, 1903.—Mr. Chamberlain declared in the House of Commons that the question of Old Age Pensions was not "dead," and that the money would be procured from a "review of our fiscal system" —*i.e.* by Protective and Preferential Tariffs.

21. *June 3rd*, 1903.—Mr. Chamberlain writes that he "would not look" at Preferential Tariffs if they did not give money for Old Age Pensions.

22. *June 26th*, 1903.—Mr. Chamberlain saying that Old Age Pensions are merely his "favourite hobby" declares they are "no part whatever" of his fiscal scheme.

## IN OPPOSITION AND—IN OFFICE.

On March 3rd, 1898, Mr. Bartley's Old Age Provident Pension Bill came up for second reading in the House of Commons. Mr. (now Sir G. T.) Bartley reminded the House that this Bill had come up for discussion once before :—

"He had introduced this Bill in previous years, and under the late Government was fortunate enough to secure a discussion, which was adjourned because a Commission on the subject was then sitting."—(*House of Commons, March 3rd*, 1898.)

On the present occasion there was only an hour for the Bill to be discussed in, and no division was taken. But two things happened. The more prominent members of the Government (*e.g.*, Mr. Balfour and Mr. Chamberlain) stayed away ; but Mr. T. W. Russell, on behalf of the Government, opposed the Bill. Mr. Russell said :—

"He could not assent to the second reading of the Bill for two reasons. One was that a commission of experts had its subject under consideration, and the other was the imperfect character of the measure. This was the first time a proposal had been made to provide Old Age Pensions out of the rates, and the hon. member who had moved the second reading had not given the House the slightest estimate of the probable cost of his scheme. The charge upon the rates would be enormous and he did not believe the House was prepared to sanction a plan which would have that result."—(*House of Commons, March 3rd*, 1898.)

That is to say the Government declined to vote for the second reading because they did not approve of the Bill. But, as Mr. Bartley pointed out, this is the second time that the House of Commons has discussed this same Bill. On April 4th, 1894—when the Liberal Government was in power—Colonel Dampier Palmer moved its second reading. Mr. Shaw-Lefevre, on behalf of the Government, said :—

"I have every sympathy with the hon. member's object, which is to alleviate the condition of the aged poor ; but the present scheme is so full of difficulties that I cannot ask the House to accept it." —(*House of Commons, April 4th*, 1894.)

Mr. Shaw-Lefevre, in fact, said in 1894 for his Liberal Government what Mr. T. W. Russell says in 1898 for his Tory Government. But Mr. Chamberlain, on the other hand, said : —

"Without pronouncing any opinion on the details of this Bill, I may say that I am, and I was before I was appointed a member of the (*Aged Poor*) Commission in favour of the principle of Old Age Pensions, and I am glad to have an opportunity of saying so on this Bill. There is only one offer, it seems to me, which can be made by the Government which ought to prevent the hon. member who brought in this Bill from carrying it to a division, and that is that they will give another day for the discussion of the whole question, or, if you like, for the discussion of this Bill, without making any condition as to what the Report of the Royal Commission may be."—(*House of Commons, April 4th*, 1894.)

Sir William Harcourt immediately offered to do this, but in spite of this Mr. Chamberlain (1) voted against the adjournment of the debate,

and (2) afterwards misrepresented the division as being one in which the Government voted against the principle of Old Age Pensions. For he said at Liverpool :—

". . . . It was a Bill for establishing the principle that it was the duty of the State to offer facilities in order that this provision might be made to a much larger extent than it is at the present day. And what did the Government do? Assisted by those who call themselves the representatives of Labour in the House of Commons, they summoned their forces, and with the Irishmen at their back they defeated the second reading of a Bill that would have established the principle for which I have been contending."—(*Liverpool, September 5th*, 1894.)

We have pointed out how disgracefully unfair this is to the late Liberal Government, but what are we to think of it now that Mr. Chamberlain's Government has opposed the very same identical Bill?

## AGED PENSIONERS BILL, 1902.

A Bill to provide Pensions for the Aged Deserving Poor was brought in, in the House of Commons, in 1902 by Mr. Raymond-Greene (C), Mr. Goulding (C), Mr. John Hutton (C), Mr. Remnant (C), Mr. J. W. Wilson (LU), Mr. Bull (C), Mr. Carlile (C), Mr. Hay (C), and Mr. Morrison (LU). It was read a first time January 21st, a second March 19th, but never got any further.

The Bill proposed to provide pensions for the aged and deserving poor, through the existing machinery of the poor law administration, by empowering the pensions committee of the guardians, with the help of Parliament, to grant pensions which shall not involve any electoral disability, nor convey the reproach of pauperism. The Bill was framed on the reports of the Select Committee on "Aged Deserving Poor," 1899, and of the Select Committee on "The Cottage Homes Bill" of the same year.

The aged pensioner was to be entitled to a pension of not less than 5s. per week, nor more than 7s. If he elect to live in the workhouse or special cottage home, he was to receive special treatment in lieu of an old age pension. The pensioner had to be selected by a committee appointed by the Board of Guardians, not less than one half of such committee to be Guardians. The qualifications for being an aged pensioner were then recommended by the 1899 Select Committee (see page 107.)

A person whose name is on the pensioners' list was not to be deprived of any right to be registered as a Parliamentary or county voter by reason only of the fact that he or she has been in receipt of Poor Law relief; but such person is not to be entitled to vote at any election for the Poor Law guardians or for a district councillor in a rural district.

Of the cost of the pension £6 a year was to be provided out of the taxes, the rest out of the rates.

No scheme such as that of the above Bill, however, can become law without Government assent. Well, here is what Mr. Walter Long, speaking on behalf of the Government, said :—

"Did they believe in their hearts that the Chancellor of the Exchequer could at this time easily find the additional taxation which was required for this purpose? He could not believe that they did, but he thought he had given them some ground for consideration in connection with the rating question. The Colonial Secretary and the Prime Minister had said that the Government believed a reform of the Poor Law in the direction of the

establishment of some system by which they could provide for the very poor and deserving without casting them on the Poor Law was a step in the right direction. They had done their best to find a solution of the question, and they had hitherto failed. They were not likely to put themselves in opposition to the principle of a proposal with which they were so much in sympathy; but *they could not hold out the smallest hope that, if the House thought fit to read this Bill a second time, they could look to the Government for a financial system, without which the Bill could not possibly be carried into effect.* The Government shared to the full the sympathetic views which had been expressed as to the condition of the poorer of our wage-earning class. He thought there had been some little exaggeration as to the position of the wage-earning class. He did not believe that people realised how great had been the improvement. Suffering there was, and, he was afraid, always would be; but the position of the wage-earning class had materially improved—they were stronger in themselves, they were better off than they were; and he hoped no step would be taken in the direction of Poor Law reform which would tend to weaken the spirit of independence and self-reliance that had done so much to make our people what they were and to build up our national character. He did not say that any proposal for pensions would undermine the national character, but such a proposal must be most carefully considered and applied; and the expenditure must be provided in a way that would cast the burden equally and fairly over the whole community. These conditions had not been fulfilled in the Bill. He did not agree with the proposition that no contribution ought to be required from the persons applying for pensions; but criticism of detail was of small importance when we knew that, however sympathetic we might be, no scheme was possible unless the necessary money could be found. *The House could not expect the Government in regard to this or any similar scheme to provide the funds*; and even if they did, the injustice to the ratepayers would still be very great."—(*House of Commons, March 19th*, 1902.)

## PENSIONS BY PREFERENTIAL TARIFFS, 1903.

### (*a*) First Stage—On.

Mr. Remnant's Aged Pensioners' Bill (its provisions were practically identical with those of the Bill of 1902) was read a second time on May 22nd, 1903, in the House of Commons without a division. It was merely a demonstration, because Mr. Long frankly said that the Government could not find the money, without which the Bill is, of course, impossible. The novelty of the discussion was the speech of Mr. Chamberlain, who "came in accidentally" as he has "other serious work to do." Coming in he found Mr. Lloyd-George making a very vigorous and wholly justifiable attack upon him for having for electioneering purposes raised expectation in the minds of the poor which he had never attempted to fulfil, even in the years before the war when there were handsome surpluses, out of which, as a fact, large "doles" were provided by the Government for their "friends." Mr. Chamberlain's reply was the old one—that he had never made it a party matter, and that he is as interested as ever in the subject. We have often exposed the hollowness and inaccuracy of this plea and we need not do so again. Mr. Chamberlain ended by saying that the money would be found by a revision of our fiscal system:—

"Before any Government can consider a scheme it must know where it is going to get the funds. I do not think the question is a dead question, and I think it may not be impossible to find the funds. For that, no doubt, there will have to be the review of our fiscal system which I have indicated as necessary and desirable at an early date."—(*House of Commons, May 22nd*, 1903.)

Mr. Chamberlain followed this up by writing to a working-man on June 3rd:—

"As regards old-age pensions, I would not myself look at the matter unless I felt able to promise that a large scheme for the provision of such pensions to all who have been thrifty and well-conducted would be assured by a revision of our system of import duties."

That is to say, on June 3rd Mr. Chamberlain says that he would not go in for Preferential Tariffs at all if the result was not to yield money for Old Age Pensions.

## (*b*) Second Stage—Off.

This Old Age Pensions bribe, however, did not catch on—it was particularly displeasing to some of Mr. Chamberlain's "associates" (as the *Standard* calls them). Accordingly, about three weeks later, Mr. Chamberlain proceeded to drop them out of his scheme, of which they were declared to be no part:—

"You know I have suggested—it is my own suggestion, and no one else is answerable for it—that inasmuch as any alteration of our fiscal system must necessarily largely increase the sums received in the shape of indirect taxation, a portion of these sums, at any rate, should be applied in order to provide old-age pensions for the poor. Thereupon I am told that this is a most immoral proposition—that it is a discreditable attempt to bribe the working classes of this country. That criticism is hasty, and it is harsh. Those who make it have altogether forgotten my past in this matter. I entered upon an investigation of the subject many years ago; it has always been near to my heart. I believe that such a system would be of immense advantage to the people. I have earnestly desired to make it successful. Up to the present time I have failed, because it was impossible to see any source from which the money that would be requisite could fairly and justly come. As long as we depend so much on our direct taxation, as long as there is an inclination to put every increased expense on this direct taxation, I say it would be very unfair to think even of old-age pensions if we were to put an enormous increase on the payers of income-tax, many of whom are already sufficiently straitened in the conditions of life in which they find themselves. That has been my difficulty. Was it not natural, when in connection with this new subject I thought it was probable that large sums might be at the disposal of any future Chancellor of the Exchequer, that I should put in a word for my favourite hobby, if you like to call it so, and that I should ask the working classes—for it is to them I look for the answer—to consider whether it would not be better for them to take the money which is theirs in the shape of a deferred payment and a provision for their old age rather than in the shape of an immediate advantage? That is all I have done, but it has no part whatever in the question of a reform in our fiscal policy. That is a matter which will come later. When we have the money then will be the time to say what we shall do with it; and if the working classes refuse to take my advice, if they prefer this immediate advantage, why it stands to reason that if, for instance, they are called upon to pay 3d. a week additional on the cost of their bread, they may be fully, entirely relieved by a reduction of a similar

amount in the cost of their tea, their sugar, or even of their tobacco."—(*Constitutional Club, June 26th*, 1903.)

## SELECT COMMITTEE, AGED PENSIONERS BILL, 1903.

A Select Committee on Mr. Remnant's Bill (see page 118) was nominated on June 18th, 1903, consisting of Sir Alexander Hargreaves Brown, Mr. Channing, Mr. Crean, Mr. Flower, Mr. Goulding, Mr. John Hutton, Mr. Lloyd-George, Mr. Grant Lawson, Mr. O'Shee, Mr. Pemberton, Colonel Pilkington, Sir Robert Reid, Mr. Remnant, Mr. Shackleton, and Mr. Skewes-Cox.

The Committee, in view of the large amount of evidence already accumulated, confined the evidence taken to the further experience gained by the continued operation of the Old Age Pension Laws in Denmark, New Zealand and Victoria, the views of Trades Unions, Friendly and Co-operative Societies, the results of investigations in certain workhouses as to the number of aged inmates who could leave if provided with pensions, and to testing by the census of 1901 the estimates made by Sir E. Hamilton's Committee in 1899.

After some criticisms on the Bill before them the Committee made the following general observations:—

"Your Committee desire to express their opinion that the provision of Old Age Pensions for the deserving poor is a matter which might well be proceeded with step by step. If it is not considered possible to provide by taxation the full sum which would be required each year in increasing amounts for the scheme of pensions contemplated by the Bill referred to your Committee, the provision of a considerably smaller sum would, in the opinion of your Committee, meet many of the most necessitous cases. This result might be obtained either by raising the age at which a pension might be claimed, or by reducing the amount of weekly income, the possession of which disqualifies for a pension.

"There is some danger that those who are in a position to save money may be discouraged from saving by the reflection that the more they have the less they will receive in the form of a pension. It may be advisable to intrust those who have the distribution of pensions with a discretion as to amount, so that the pension awarded may not be so reduced as to deprive applicants of the fruits of their own thrift. In no case, however, ought any pension to be granted where it is not really needed.

"Your Committee are of opinion that all the materials available, apart from actual experiment, for the purposes of enabling Parliament to arrive at a decision upon the subject of Old Age Pensions have been exhausted in the numerous inquiries that have already taken place. Nevertheless, it must be admitted that there is still much uncertainty upon several points. For example, the number of those in workhouses over a given age who could be properly attended to outside a workhouse, the number of those not now receiving poor law relief who require and deserve pensions, the possibility of obtaining reliable information in crowded communities if an applicant's antecedents are to be inquired into, the degree to which a pension scheme would transfer the cost of maintaining the aged poor from the rates to the taxes, and the sums needed for the various schemes propounded, are all matters of considerable doubt. Certainty upon these and other features of importance cannot be attained without actual experiment.

"Your Committee are of opinion that the reduction on Poor Law Expenditure will be considerably less than has often been represented . . ."

# III.—POINTS AND FIGURES.

## *The Two Mr. Chamberlains.*

*December 6th*, 1898.

"The pension (*of public officials*) is taken into account in fixing the salaries, and is, in fact, only deferred pay. There is, therefore, not much analogy between existing pensions and anything which may hereafter be proposed in connection with the general population."

*November 18th*, 1891.

"Society as a whole owes something to these veterans of industry. You see, I have not altogether forgotten the doctrine of ransom though I am very willing to confess the word was not very well chosen to express my own meaning; but I say that the State has already recognised this claim in regard to its own servants. The soldier and the sailor are pensioned. Yes; but peace hath her victories as well as war, and the soldiers of industry, when they fall out of the ranks in the conflict and competition in which they are continually engaged, have also their claim to the consideration and gratitude of their country."

A very pertinent and deadly "parallel."

## *Mr. Chaplin's "Gratitude."*

**Mr. Chaplin at the Criterion Restaurant, December 9th, 1899.**

"I have often been under obligations to my hon. friend, but I do not know that I ever felt more indebted to him than when he told you just now that he had abandoned all intention of asking me to-night to express my views, and the opinions and intentions of her Majesty's Government, with regard to the very vexed question of Old Age Pensions. I accept with gratitute the invitation of your chairman to confine my observations to that question which occupies the mind of everybody at the present moment, namely, the progress of the war in South Africa which has been forced upon us."

*From the* TIMES, *December 11th*, 1899.

## *Passing It On.*

In the course of the Reading Election (July, 1898) an elector produced two very interesting letters that he had received from Ministers with regard to Old Age Pensions. The elector, in the first instance, wrote to Mr. Chamberlain—to receive the following reply:—

"SIR,—I am desired by Mr. Chamberlain to acknowledge the receipt of your letter of the 17th inst., and to say that the subject of Old Age Pensions is not in his department, but in the Local Government Board, to the President of which any communication should be addressed.

"Yours faithfully,

"February 14th, 1898." "J. WILSON.

The elector obediently did what he was advised, and wrote to Mr. Chaplin, who entered into the spirit of the game with great zest—as will be seen from the following:—

"DEAR SIR,—I beg to inform you that the subject of Old Age Pensions not being one which directly concerns the Local Government Board, your previous letter to Mr. Chaplin has been forwarded to the Prime Minister. A similar course has been taken with your letter of the 30th ult.

"Yours faithfully,

"H. C. MUNRO."

History is silent over Lord Salisbury's reply.

## "Consult the Liberal Unionist Agent."

About the beginning of 1893 an interesting leaflet was published "by the Midlands Liberal Unionist Association, Birmingham," headed,

MR. CHAMBERLAIN'S LABOUR PROGRAMME
UNIONIST POLICY.

"The Right Hon. Joseph Chamberlain, M.P., Leader of the Liberal Unionist party in the House of Commons, has announced (see *Nineteenth Century* Magazine for November, 1892) the following scheme of Reform for the benefit of the wage-earning population of the United Kingdom."

"Limitation by Law of the Hours of Labour" is the first of the eight items, but the most interesting (and amusing) is that relating to Old Age Pensions :—

"5. OLD AGE PENSIONS guaranteed by the State.—Mr. Chamberlain proposes a payment of £2 10s. (before the age of twenty-five) and a subscription of 10s. a year to secure for a man a small pension at the age of sixty-five. Those who pay £5 down and 20s. annually will *also* provide for the payment to their widows and children in case of death before sixty-five. Men who have received a pension of 2s. 6d. a week in a Friendly Society will have their pension doubled by the State. Further information on the Pension Scheme may be obtained from any Liberal Unionist agent."

Clearly the "expert" Committee was wrongly manned; it ought to have been composed of Liberal Unionist agents. The leaflet, after enumerating the details of the unauthorised programme, proceeds : —

"Remember that Mr. Chamberlain was the chief advocate of FREE EDUCATION, a scheme now accomplished by a Unionist Government. The reforms he advocated are not like the visionary schemes of those who promise impossibilities, but the proposals of a practical statesman. . . . Remember that the Unionist party is prepared to deal at once with social questions and the interests of England."

## Mr. Chamberlain and the Friendly Societies.

### I.—"UNDER ANOTHER CHANCELLOR OF THE EXCHEQUER."

On December 6th, 1894, Mr. Chamberlain made a speech on a non-political occasion to a conference of Friendly Society representatives In the first instance Mr. Chamberlain made a speech in which he discussed the subject on its merits. It was in replying to the vote of thanks that he took the opportunity of "improving the occasion," and practically telling the Friendly Societies that if they really wanted anything done they must know to what quarter they ought to look for assistance. The last sentences of Mr. Chamberlain's speech on that occasion were as follows :—

"I should myself imagine that a great scheme of this kind should not be proposed to Parliament until some Chancellor of the Exchequer shall come who would have a surplus and not a deficit to deal with. You will recollect that we waited a long time for free education, but there comes a time when, under the administration of a Chancellor of the Exchequer whom I will not name because I do not wish to revive political associations, there was a very fruitful surplus, and that surplus was at once applied to give to the working classes the greatest boon which has been given to them during my political time. My hope is that, under another Administration, and under another Chancellor of the Exchequer, whom also I will not name, we may return to a time of prosperity, to a period of surpluses, and my hope and belief is that these surpluses may be used in order to stimulate the provision of those Old Age Pensions which will do more, I believe, than anything else to secure the happiness of the working classes."—(*Birmingham, December 6th*, 1894.)

Well, the Chancellor of the Exchequer at that time was Sir William Harcourt, and he has been replaced, first by Sir Michael Hicks-Beach, who had, before the war, the predicted surpluses, not a penny piece, however, of which has gone for Old Age Pensions or for anything like it, and now by Mr. Ritchie, who is much more concerned to relieve the Income-tax payer.

## II.—A "SUBJECT FOR PARTY CONTROVERSY."

Mr. Chamberlain, seven years later, discovers that it has been a great mistake to make the Old Age Pensions question one of politics! Once again at Birmingham he addressed the members of Friendly Societies (this time it was the Oddfellows), and his advice to them was (in effect) to work out their own salvation in fear and trembling:—

"This question of Old Age Pensions, as it is sometimes called, although that is a description of it which I personally dislike, I prefer to call it proposals to assist men to make provision for old age; but these proposals have been before the country now for quite a number of years. I think it was about eight years ago that in the town hall of this city I addressed a very large meeting of friendly societies upon the subject, and explained and defended the proposals which I was then commending for their consideration. But I am afraid it is true that the matter has made no progress; on the contrary, I think it has gone back. The officials of the great societies—I am speaking not of one, but of all—they, generally speaking, turn the cold shoulder and give very little assistance. And the matter has, unfortunately, become what it ought never to have been—a subject of party controversy. And what is the result? The result is, instead of us all setting our minds to solve the problem, which is one of the most complicated that can be presented to the politician and the statesman and the economist—instead of doing that we have been bidding one against the other, each making more lavish promises—promises which, let me say, will never be fulfilled, promises which raise impossible expectations, and which relegate to a distant future the practical work which might really be accomplished. Now I want, if possible, to see a new start taken. I say the matter has gone back. I think once more we might try to put it again upon its legs. But I am convinced that can only be done with the frank and hearty co-operation of the great societies for the promotion of thrift—the great friendly societies without whose aid, without whose support, without whose influence I, for one, despair of anything practical being accomplished. But if you, through your officials, would take this matter up, take

it up as if it were a new question, not prejudiced by anything that may have been said or done before, I believe that you would bring it back to its true proportions, which is the first thing to be done—you would bring it back to the consideration of proposals which as their first condition must encourage thrift, and must not be, as unfortunately so many proposals recently have been, a mere bribe to the electors—I say a bribe to the electors, I should say the offer of a bribe which will never be paid."—(*Birmingham, May 27th*, 1901.)

The delegates, being polite people, thanked Mr. Chamberlain for his presence and speech, and in the course of his reply he said :—

"My friend the corresponding secretary, and I think my friend Mr. Forrester, spoke of a scheme which I had put before you. I have put no scheme before you. ("*Oh,*" *and laughter.*) I have put before you two propositions. The first proposition is this—that it is desirable in the interests of thrift, in the interests of the State, in the interests of the country generally that some assistance shall be given to persons who are willing to contribute old age provision for themselves. That is my first proposition. My second proposition is this—that it is desirable that the friendly societies, who have already got a larger experience than any one else, who have a greater knowledge of the difficulties of the case, should combine together to frame a scheme with this object and to present it to the politicians. I want to get rid altogether of the political character of this movement. I have no vanity as an author. I do not wish any scheme to be in any special sense connected with my name. I ask that the scheme shall be a friendly societies' scheme."—(*Birmingham, May 27th*, 1901.)

As Mr. Chamberlain is fond of illustrations involving the Devil, he will, we are sure, not object to our saying that the spectacle of the Devil rebuking sin would be nothing to that of the Colonial Secretary protesting against the dragging of Old Age Pensions into politics. For he is himself the chief offender.

## *Mr. Balfour on Old Age Pensions.*

"Let it be distinctly understood that we do not consider ourselves bound to wait necessarily for the report of this committee before bringing forward a scheme We do not think that is a necesary consequence of appointing a committee. We hope that the general lines of such a scheme may be indicated within a period which will enable us to have the full advantage of the weight of the advice of the committee before we present any plan of our own. But even before that period arrives it is quite clear that we may derive great advantage from the labours of the committee even though they have not completed their report, and we should not consider ourselves prohibited, if other circumstances appeared favourable, from bringing forward our own scheme because the labours of the committee had not reached their full termination. We do not appoint this committee to shift responsibility on to other shoulders that belongs to us, nor to delay legislation on the subject; but we say that, inasmuch as two inquiries already held have proved barren, so far as schemes are concerned, inasmuch as that committee and that commission, though they have collected a mass of valuable materials, have made no concrete proposal, it is wise and prudent to appoint a committee to undertake the task at the point at which those two bodies left it."—(*House of Commons, April 24th*, 1899.)

## *The "Morning Post" on Mr. Chamberlain and Old Age Pensions.*

*From the* **Morning Post**, *April 25th*, 1899.

"By passing Sir William Walrond's motion for a fresh committee to inquire into the Old Age Pensions Question, Ministers have merely fulfilled a promise given by Mr. Chamberlain more than a month ago. The new committee is to consist of no less than seventeen members, a fact of itself sufficient to guarantee disagreement. It is apparently to go over all the ground which has been traversed by Commission or Committee during the last six years. Those who have regretfully watched the plough passing over the sands in one direction will therefore now have the privilege of observing its course as it traverses them in the other. Ministers appear to be actuated by an unpleasant fear of certain proposals or promises—whichever they like to call them—made on this matter at the last General Election. *As for the difference between a proposal and a promise, which Mr. Chamberlain explained with laborious superfluity last night, we are not anxious to discuss it. A proposal on such a matter, put before ignorant men so that, as a matter of fact, it looks to them like a promise, is worse than a promise direct. A bone dangled over a dog's nose will make him more excited than a piece of meat thrown to him once for all; and Mr. Chamberlain probably knows this as well as most people.*"

(The italics are our own.)

## *The "Saturday Review" on Mr. Chamberlain and Old Age Pensions.*

*From the* **Saturday Review**, *January 11th*, 1902.

"Mr. Chamberlain, in his Birmingham speech to the members of the West Birmingham Relief Fund, dealt with the general subject of charity more philosophically than is usually to be expected at a charity meeting. But as to Old Age Pensions, to which he referred, it is evident that he continues to abdicate his function of thinking with regard to them. If he had done so in the case of the Workmen's Compensation Act, that Act would not have been passed to this day, and that was as new a departure as pensions would be. It is a novel doctrine that a legislator must wait until his constituents can present him with a working scheme. He is in Parliament to do that for them, if what they wish is practicable, and if it is not, he is there also to tell them so of his superior knowledge. But Mr. Chamberlain does neither, and all his speeches on this subject seem to read as though he brought it up merely to show that he is not afraid of mentioning it. There is not so much courage in that as there would be if he would either say that he finds it to be hopeless, or that he knows to what extent it is practicable, and is determined to carry it out so far. He does neither. . . ."

CHAPTER VII.

# THE COMPENSATION ACT.

## I.—THE TORY PROMISE.

### A.—1895.

"I beg the House to consider whether it is worth while to deal with this subject in a partial way, and whether it would not be possible once and for all to settle the right of *every* workman to compensation."

**Mr. Chamberlain** in the HOUSE OF COMMONS,
(Debate on Mr. Asquith's Bill) *February 20th*, 1893.

"We believe that every man who in the course of his employment meets with an accident is unfortunate, is deserving of consideration, and ought to be compensated, and we want to secure that—FOR EVERY MAN FOR EVERY ACCIDENT."

**Mr. Chamberlain** at BIRMINGHAM, *May 3rd*, 1894.

"My conviction has deepened that no greater boon can be given to the working people of this country than to secure to them as a matter of right and certainty, without the risk of litigation, that in all cases in which they suffer from accidents or injuries received in the course of their employment, they themselves, and their families, shall be fairly provided for."

**Mr. Chamberlain**, "Social Programme" Speech,
BIRMINGHAM, *October 11th*, 1894.

"V. Employer's Liability, with universal compensation for all accidents."

**Mr. Balfour's** EAST MANCHESTER Election Card,
General Election 1895.

"I hope and believe that we may establish the principle that the cost of providing for those persons who, by no fault of their own but by misfortune, suffer injury to life or to limb in the course of their ordinary employment, may be made a cost upon the industry in which the injury takes place, and, therefore, be paid for by the public in the cost of the goods. In that way we may secure, not as a matter of chance or litigation, but as a matter of absolute certainty and of statutory right, that everybody who suffers in this way, and who is undoubtedly an object for our sympathy and consideration, shall receive such compensation as it is possible to give him at present."

**Mr. Chamberlain** in NORTH LAMBETH,
General Election 1895 (*July 6th*).

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"While he (*Mr. Asquith*) will deal with this subject incompletely, inefficiently, I propose to deal with it once and for all, and completely. I propose to say that every workman who is injured, without fault of his own, shall be entitled, as a matter of right, to reasonable compensation—to such solace in his misfortune as pecuniary assistance can give; and I propose, not to make that a question of litigation, not to send him into the courts to get it, but to make it a matter of statute, about which there can be no possible uncertainty."

**Mr. Chamberlain** at WEST BIRMINGHAM,
General Election 1895 (*July 10th*).

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"A measure for ensuring compensation to the employed in all cases of accident is an urgent necessity."

**Mr. Ritchie**, 1895 Election Address at CROYDON.

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"We know that it (*the Unionist Government*) means compensation to workmen for all accidents in their employment; thus doing away with much costly and embittering legislation."

**Mr. A. Cameron Corbett** (Liberal Unionist M.P.),
1895 Election Address at TRADESTON (GLASGOW).

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"The Unionist leaders have announced their intention of devoting the time of Parliament to measures which include compensation for injuries in all employments."

**Earl of Dalkeith** (Tory M.P.),
1895 Election Address at ROXBURGH.

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## B.—1900—1903.

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"Last Session the Government extended the (*Compensation*) Act to agricultural labourers and had promised to make a much larger extension to other trades and industries and to remedy many of the points which in the working of the Act had been found to be unsatisfactory and anomalous."

**Sir M. White** (now **Lord**) **Ridley** at BLAGDON PARK,
*September 8th*, 1900.

"As to the complaints which had been made as to the working of the (*Compensation*) Act, that was a matter which was engaging the attention of the Government, and they would make it the subject of further investigation and deal with the matter in an amending Act."

**Mr. Ritchie** (as Home Secretary) to MINERS' DEPUTATION, *March 5th*, 1901.

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"They acknowledged that there were various points which were unsatisfactorily dealt with; they were carefully watching all these various schemes with a view to bringing forward an amending Bill, and when that Bill was brought forward they would also have to consider the question whether it should be extended to other trades and if so, to what trades."

**Mr. Ritchie** (as Home Secretary) to TRADES UNION CONGRESS DEPUTATION, *February 6th*, 1902.

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"It would be generally understood, he thought, that the Government were prepared to accept the spirit of this motion, but, as he pointed out in February to a deputation from the Trades-Union Congress, and as the members of that deputation agreed, there were certain inquiries which it was necessary to make before they would be in a position to introduce anything more than a very flimsy Bill indeed. He had every hope and intention, however, of introducing a Bill next Session which would deal with the question of amendment and of what extension was possible. . . . In addition to the request for an amending Act there was the request for the extension of the Act. The Act applied only to persons engaged in or about mines, quarries, factories, and engineering works; to certain classes of building works; and to persons employed in agriculture. He fully recognised the desirability and necessity of a further extension of the Act, at any rate, to all industrial employments. It had already been intimated by his right hon. friend that they proposed to proceed tentatively; but there were certain classes which at present were wholly excluded from the Act. There were, for instance, the seamen and the fishermen. This was a subject which he should like to have seen discussed that night, but he was afraid he should be ruled out of order if he entered into that question. Perhaps the House, therefore, would excuse his going further. There was a point raised by the member for Derby, however, to which he wished to refer—the question of inland transport service, carriers, and others. There were also classes connected with the building trade, and some of these classes, although small in point of numbers, were amongst those who suffered most under exclusion from the existing Act. Very often in regard to numbers they were in inverse degree to their liability to accidents. All these points would be very carefully considered, and they were being considered now. He could say they would be seriously considered during the present year."

**Mr. Akers-Douglas** (Home Secretary), in the HOUSE OF COMMONS, *May 13th*, 1903.

## II.—WHAT THE TORIES HAVE DONE.

It is abundantly clear from the above extracts that the Tory promise in 1895 was to provide compensation to *all* workmen for *all* accidents; nothing could be more explicit than the declaration of Mr. Chamberlain, declared by Lord Salisbury himself to be the "spokesman" of the Unionist party on this subject. But the Workmen's Compensation Act passed in the Session of 1897 only provides compensation for *some* accidents to *some* workmen. It left the law of Employers' Liability where it found it. What was done was that in the case of the included employments, the worker was given (1) an alternative right to compensation in case of an accident for which already he has a right under the existing law, and (2) a new right to compensation in the case of accidents not covered by the existing law. The worker in the excluded employment was left exactly where he was before. Whatever else was meritorious in the Government proposals it is impossible to defend (1) the failure to cure the admitted defects of the law which the Act did nothing to repeal; and (2) the exclusion of probably a majority of the workers from the scope of the Act.

Whilst Liberals heartily welcomed the Bill in so far as it is a just recognition of the claim of the workman to be compensated in case of injury, it must not be forgotten that Mr. Chamberlain has always admitted that the two questions of (1) preventing accidents, and (2) compensation for accidents are "absolutely distinct." It is difficult, therefore, to see how this Compensation Act can do anything more than help the worker after the accident has occurred. This is no unworthy object—far from it—but it is prevention upon the primary importance of which the workers, through their representatives and Trade Unions, have always insisted; as a fact, all the available returns go to show that accidents are on the increase rather than the decrease. In the next place, despite all the efforts made on the Liberal side to strengthen the measure in its passage through Parliament, it passed in a partial and incomplete form. For this there were no satisfactory reasons. The Tory pledge through their "spokesman" was compensation to "every workman" for "every accident," and seven years ago Mr. Chamberlain said that it was not "worth while" to have a "partial" settlement. No; "once and for all" he asked the House to settle "the right of every workman to compensation." Yet large classes of workers—agricultural labourers and seamen are instances—were excluded and left to the mercies of the old unreformed law. As to "contracting-out," the Government claimed that the effect of the Act was to make it impossible for an employer to save a single penny by any private scheme This is impudently claimed to have been the effect of the Dudley Amendment to Mr. Asquith's Bill in 1894. Nothing could be more untrue. "Contracting-out" of the Dudley type was good enough to wreck Mr. Asquith's Bill with, but Ministers did not dare to apply it to their own Bill. In 1894 the Tory party

insisted upon destroying Mr. Asquith's Bill, because they said it would kill the London and North Western Railway Insurance Fund. But that is precisely what the Compensation Act has done. The truth is that the contracting-out which pins the employer down to an equivalent financial liability (which was the Government description of their "contracting-out" claims in 1897) has no sort of relation or likeness to contracting-out of the Dudley pattern. The analogy was used in a vain attempt to get credit for a sham consistency. Nothing could well be more complete than the Tory swing round on this question of "contracting-out." In 1894 it meant "freedom of contract," and a free hand for employers and employed to come to terms outside the law, subject to certain conditions. In 1897 it merely meant (according to the Government themselves) the substitution for the provisions of the Bill of an insurance scheme, to which the employer must pay at least as much as he would have to under the Act.

## THE COMPENSATION ACT IN PARLIAMENT.

The Act was read a second time on May 18th, 1897, without a division, and received the Royal Assent on August 6th, 1897. It was "amended" by the Lords in several particulars, in every case the Lords' amendments being accepted by the Government. We give a brief account of the more important divisions on the Bill; in every case the Government tellers told with the *majority*.

### *Compensation for Injuries to Health.*

24*th May*, 1897.—Mr. Tennant's Instruction on going into Committee, making it possible for the Bill to give Compensation to Workmen for injuries to health arising out of, and in course of, their employment. For, 145; Against, 235; the *majority* thus voting against permitting the discussion of amendments designed to include within the Bill injuries to health.

### *Inclusion of All Trades.*

24*th May*, 1897.—Mr. Nussey's amendment to extend the provisions of the Bill to all classes of trades and employments. For, 157; Against, 235; the *majority* thus voting against a Bill applying to "every workman."

### *No "Contracting-out."*

27*th May*, 1897.—Mr. Ascroft's amendment making null and void any agreement between employer and employed, for the purpose of contracting themselves out of the provisions of the Bill. For, 99; Against, 172; the *majority* thus voting for "contracting-out."

### *Making the "Contracting-out" Schemes more beneficial to the Workman.*

27*th May*, 1897.—Mr. Perks's amendment to prevent the employer "contracting-out" of the Act, unless the scheme which the employer proposes to substitute for the provisions of the Act is more beneficial to the workman than the Act itself. For, 66; Against, 140; the

*majority* thus voting against a proposal to make it clear, beyond doubt, that the workman should not be in a worse financial position as the result of having "contracted-out."

### *Common Employment.*

27*th May*, 1897.—Mr. McKenna's amendment making the employer as liable for injury caused to a workman through the wilful or wrongful act of any fellow-workman, as would be the case had the injured workman not been a servant of the common employer. For, 95; Against, 167; the *majority* thus voting for the retention of the doctrine of "common employment."

### *Inclusion of Agricultural Labourers.*

31*st May*, 1897.—Mr. Goulding's amendment to include Agriculture within the scope of the Bill. For, 125; Against, 176; the *majority* thus voting for excluding agricultural labourers from the Act.

8*th July*, 1897.—Mr. H. S. Foster's motion to include agricultural labourers. For, 92; Against 143.

### *Inclusion of Seamen.*

31*st May*, 1897.—Sir Francis Evans's amendment to extend the Bill to seamen. For, 119; Against, 211; the *majority* thus voting against giving seamen the benefits of the Act.

### *Inclusion of Workshops.*

1*st June*, 1897.—Mr. Tennant's amendment to include all workshops within the scope of the Bill. For, 117; Against, 193; the *majority* thus voting against a proposal to include all those employed in workshops within the scope of the Act.

### *Limiting the Height of Buildings to which the Act should apply.*

1*st June*, 1897.—Mr. S. Woods's amendment that the Act should apply to employment on, in, or about any building without any limitation of the height to 30 feet as proposed by Sir Matthew White Ridley. For, 122; Against, 221; the *majority* thus voting for excluding workmen engaged in buildings less than 30 feet in height.

8*th July*, 1897.—Mr. Robinson Souttar's amendment to the same effect. For, 113; Against, 177.

### *Unloading Ships into Lighters.*

1*st June*, 1897.—Mr. Pickersgill's amendment to include the dangerous process of unloading from a ship into a lighter. For, 115; Against, 219; the *majority* thus voting to exclude a class of workmen engaged in a most dangerous employment.

### *Compensation in a Lump Sum.*

3*rd June*, 1897.—Mr. Chamberlain's amendment proposing that after payments have been made to an injured workman for a certain length of time, all future liability for this particular accident may, if desired, be redeemed by payment of a lump sum, not exceeding 312 times the amount of weekly compensation. Against, 180; For, 174;

the *majority* thus voting for a proposal which restricts the sum payable to a workman in the case of permanent injury.

### *Compensation when the Injury arises through the fault of the Workman.*

*6th July*, 1897.—Mr. David Thomas's motion to omit the Sub-section disallowing compensation where the accident is solely attributable to the serious and wilful misconduct of the workman. For, 121; Against, 203; the *majority* thus voting against a proposal to omit words which in practice have the effect of letting in the exploded doctrine of "contributory negligence."

### *Priority for Compensation in Case of Bankruptcy.*

*8th July*, 1897.—Mr. Billson's amendment that compensation payable under the Act should have priority over ordinary debts in case of bankruptcy. For, 136; Against, 214; the *majority* thus voting against a proposal that the workman should have priority of claim for compensation in the event of his employer becoming bankrupt.

### *"Contracting-out."*

*30th July*, 1897.—Sir M. White Ridley's motion in favour of agreeing with the Lords' proposal to strike out the Sub-section which provides that, if the funds of any "contracting-out" scheme were insufficient to provide the compensation, the employer shall be liable to make good the amount of compensation which would be payable under this Act. Against, 68; For, 117; the *majority* thus voting for a proposal which took away from the workman the certainty of getting in any event his full compensation

## THE EXCLUDED WORKERS.—THE AGRICULTURAL LABOURER.

As we have said, the principal Act applies only to certain selected trades. The workers excluded from its scope include:—

1. All merchant seamen;
2. All agricultural labourers;
3. Many persons engaged in building operations;
4. All domestic servants;
5. All persons working in workshops.

Mr. R. T. Thomson in his book (*Effingham Wilson*) published in 1901, says:—

"This Act extends the benefits of the scheme to a large and important class, but the great majority of workers still remain outside its scope."

A Liberal proposal (Mr. Nussey's – see above) to make the Act apply to all workers was rejected by the Government and lost.

Perhaps the most interesting case of the workers excluded in 1897 is that of the agricultural labourer subsequently included by the Act of 1900 (see next page). In answer to the amendment to include him, moved

by Mr. Goulding (a Tory Wiltshire member), the Government could only say that they could not "overload" the Bill, and that agriculture was not a "dangerous" industry. Mr. Chamberlain, in his defence of the Bill, had completely to throw away logic. Here are two parallel extracts—(1) from an attack on Mr. Asquith's Bill in 1893, (2) from a defence of the Compensation Act, both from the House of Commons speeches :—

| *February 20th*, 1893. | *May 31st*, 1897. |
| --- | --- |
| "The Bill shows a want of logical principle." | "Logic we have long ago given up in connection with this Bill. Indeed, I do think that it is the great advantage of English legislation that it does not pretend to be logical." |

Mr. Jeffreys, one of the Tory members for Hampshire, gave a really remarkable reason for excluding the agricultural labourer :—

"There was no compensation paid under the present law to agricultural labourers who were injured, but his experience of the country was that, when a labourer did meet with an accident, the landowners invariably made a subscription for him, and he got quite as much money in that way as he would by compensation."—(*House of Commons*, *May* 31*st*, 1897.)

## THE AGRICULTURAL LABOURERS' ACT OF 1900.

The private members' Bill for extending the Compensation Act to agriculture passed into law in 1900. The following are the terms of the Act, which came into operation on July 1st, 1901 :—

(1) From and after the commencement of this Act, the Workmen's Compensation Act, 1897, shall apply to the employment of workmen in agriculture by any employer who habitually employs one or more workmen in such employment.

(2) Where any such employer agrees with a contractor for the execution by or under that contractor of any work in agriculture, Section 4 of the Workmen's Compensation Act, 1897, shall apply in respect of any workman employed in such work as if that employer were an undertaker within the meaning of that Act.

Provided that where the contractor provides and uses machinery driven by mechanical power for the purpose of threshing, ploughing, or other agricultural work, he, and he alone, shall be liable under this Act to pay compensation to any workman employed by him on such work.

(3) Where any workman is employed by the same employer mainly in agricultural but partly or occasionally in other work, this Act shall apply also to the employment of the workman in such other work.

The expression "agriculture" includes horticulture, forestry, and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit and vegetables.

It will be noticed that the Act applies to the agricultural employer who "habitually" employs one or more workmen. Sir E. Strachey (the Liberal member for South Somerset) moved (on June 10th) to omit the word "habitually" on the ground that it was unfair to confine the benefits of the Bill to the bigger farms, and that labourers employed

(say) for the hay harvest ought to be protected. The Government refused to accept the amendment, which was lost by 205 to 120 (majority 85). It should be noted that this all refers to occasional employment, as distinct from casual labour. As to the latter, Mr. Long said :—

"If it was desirable to include casual labourers in agriculture, ten times more desirable must it be to include those in other industries, who were far greater in number. The whole question of compensating casual labourers was involved, and that was too large to be discussed at that hour."—(*House of Commons, June 10th*, 1900.)

It will not be forgotten that the Courts have decided that the Compensation Act does not include the casual labourer. So that now in agriculture we still have two classes of labourers not compensated :—

(1) Those working for an employer who does not "habitually" employ.

(2) Those working casually for *any* employer.

## TORY MISSTATEMENTS ABOUT THE ACT.

(1) *The Scope of the Act.*—It is constantly being said by Tories, on the strength of a statement made in a Tory leaflet :—

"That whereas Mr. Asquith's Bill would have covered only some ten cases out of 100 injuries, the Compensation Act covers about eighty cases in every 100 of persons injured by accident."

The claim here advanced is that the Compensation Act (as passed in 1897) covers eight times as much ground as Mr. Asquith's Employers' Liability Bill.

This is absolutely untrue. What are the facts? First of all, as to the Compensation Act, alleged to cover eighty accidents out of every hundred. Now Mr. Chamberlain, speaking to a deputation of colliery owners, said :—

"As it was now under the Bill, whether the accident lasted two weeks or one year, the first two weeks would in no case be paid for, and the result of that was to exclude altogether at least 25 per cent. of the whole of the accidents that took place, and to exclude two weeks' compensation from all the rest. As the average of incapacity was very small, in a vast majority of cases these two weeks cut off had practically reduced the amount of compensation by 30 per cent. That was a very large reduction." —(*July 2nd*, 1897.)

That is to say the two-weeks clause excludes 25 per cent. of the accidents. This is a minimum estimate, and taking into account the other excluded cases we may fairly say that 30 per cent would be a low estimate for the excluded accidents. So we get to this, that the Act includes, not eighty accidents (the Tory figure) out of every hundred, but only seventy.

So much for the Compensation Act. Now as to Mr. Asquith's Employers' Liability Bill, which Tories say covered only ten accidents out of every hundred. Here, again, Mr. Chamberlain can be called as a witness :—

"The present law provides for about 20 per cent. of the total accidents which take place. The new law proposes to provide for one-third of the total—33 per cent.—and thus you have 53 per cent. provided for, and 47 per cent. entirely left without any provision whatever."—(*House of Commons, February 20th*, 1893.)

That is to say, with Mr. Asquith's Bill law, fifty-three accidents (not ten, the Tory figure) out of every hundred would have been covered, according to Mr. Chamberlain's own estimate.

Nor is this all. The Compensation Act applies only to six million workers in the more dangerous trades. Mr. Asquith's Bill would have applied to twice that number. Taking this into account the Compensation Act does not cover eight times the ground of Mr. Asquith's Bill, but *at most* only covers as much.

(2) *The Passing of the Act in the House of Commons.*—Another Tory allegation is that the Liberal party did "all they could to oppose and defeat" the Compensation Act—these are Sir Edward Clarke's words at Plymouth on October 5th, 1897. Mr. Chamberlain has said very much the same thing in a letter:—

"The reason why some members of the Opposition professed such anxiety to extend the Act to the agricultural labourers and some other trades which had been omitted by the Government lies in their insidious opposition to the principles of the measure and their scarcely concealed desire to prevent its passage into law."

What are the facts? There was no division on the first reading, second reading, or third reading. In Committee the Liberal party did all they could to extend and improve the Bill. Mr. Chamberlain quotes the case of the agricultural labourers, and says that the effort to include them was an attempt to wreck the Bill by "members of the Opposition." But the amendment to include the agricultural labourers (although mainly supported by Liberals) was moved in Committee stage in 1897 by Mr. Goulding and on Report by Mr. Harry Foster, neither of them "members of the Opposition," but strong Tories belonging to the party of which Mr. Chamberlain is the "spokesman." (See above.)

The following parallel, too, is on this point instructive:—

| Mr. Chamberlain. (*Committee Stage, June 3rd*, 1897.) | Sir M. White Ridley. (*On the First Reading, May 3rd*, 1897.) |
|---|---|
| "I do not accuse hon. gentlemen opposite of acting as an opposition as a whole—that is to say, as being opposed to this Bill—although certainly their welcome on its first introduction was *anything but encouraging.* | "I have only, I am sure, to express on my own behalf, and on behalf of the Government, our appreciation of the impartial, and I might say *friendly*, spirit in which our proposals, startling and novel as they are, have been received." |

(3) *Easy Insurance Act or Accident Prevention Act.*—Credit is often claimed for the Compensation Act because it is so easy, cheap, and convenient for an employer to insure out of it. For instance, Mr. Balfour has said:—

"One more advantage it has to the employers, of which, I think, perhaps, sufficient account has not been taken. Under what I have described as the rival scheme, compensation was an absolutely uncertain quantity, dependent upon an accident of a particular jury or a particular tribunal. It was therefore extremely difficult and extremely costly to insure. We have devised a plan by which the *maximum* liability is clearly defined. Therefore an employer will find it easy to insure against it, and will know exactly where he stands in connection with the liabilities incidental to his business; and that, though I do not put it on a par with the moral advantage which I have just described, is a technical and a financial advantage which I think it is very easy indeed to underrate."—(*Manchester, January 10th*, 1898.)

But Lord Salisbury—who said in the House of Lords on July 30th, 1897, that the "great attraction" of the Compensation Act was that it was "a great machinery for the saving of life"—said when discussing Mr. Asquith's Bill:—

"When it is said that the existence of the Act will be a great inducement to employers to prevent accidents, I think those who say so have forgotten how easy it is for employers to protect themselves from the pecuniary results of their accidents by insurance."—(*London, November 24th*, 1893.)

Lord Salisbury in 1893 said that if you could insure against accidents, you did nothing to prevent them. Mr. Balfour in 1898 claimed credit for his Easy Insurance Act, forgetful, apparently, of the fact that Lord Salisbury claims credit for it as an Accident Prevention Act. In his "Social Programme" speech, too, Mr. Chamberlain's whole contention was that (*a*) the prevention of and (*b*) the compensation for accidents are two things "absolutely distinct."

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## III.—JUDGES ON THE WORKING OF THE ACT.

We give below a collection of judicial dicta on the subject. This collection does not profess to be exhaustive, but it comprises most of the judicial objurgations that have found their way into the principal reports:—

**Lord Justice Collins.**

"We have, therefore, to find out what is a 'factory.' And to do this we have to trace our way through the most extraordinary legislation."

*McNicholas v. Dawson* [1899], 68 L.J., Q.B., 475.

**Lord Justice Collins.**

"The Act of 1897 is drawn in such an extraordinary fashion, and the methods of arriving at its meaning are so complicated, that it is not easy to deal with it on broad grounds of common-sense."

*Hennessy v. McCabe* [1900], 69 L.J., Q B., 175.

**Lord Justice A. L. Smith.**

"A good many instances were suggested during the argument of possibly ridiculous results that may arise under the Act from holding that this arrangement was a scaffolding. I can only say that in my experience of construing the Act during the time we have been engaged in hearing appeals under it, there have been some apparently ridiculous results following from the language of the Act. But here is the Act, and we cannot get away from it."

*Maude v. Brook* [1900], 69 L.J., Q.B., 325.

**Lord Justice Collins.**

"It has often been said in this Court that it is impossible to give a decision on this Act of Parliament which shall be perfectly logical and shall involve no anomalies. An arbitrary line has to be drawn somewhere when interpreting this Act."

*Lysons v. Knowles and Sons* [1900], 69 L.J., Q.B., 453.

**Lord Justice Collins.**

"I do not think it is possible to give any clear and satisfactory interpretation which will be perfectly consistent with all the provisions of this Act. I have long since come to the conclusion that that is impossible, and therefore I have to make the best guess that I can at what the Legislature must be taken to have meant in the particular sections that we are dealing with."

*Powell v. Main Colliery Co.* [1900], 2 Q.B., 154.

**Lord Justice Collins.**

"I am not pressed by the difficulties suggested by Counsel for the applicant upon this view of the Act. Having regard to the average difficulties in this Act, it does not seem to me that Clause 1 (*a*) (*i*) presents any extraordinary difficulty at all."

*Stuart v. Nixon* [1900], 69 L.J., Q.B., 599.

**Lord Davey.**

"The learned Lord Justice says that the scaffolding must bear some relation to the height of the building, and be such a scaffolding as would be required to construct or repair a building of that height. I think it very likely that the draughtsman had something of that kind in his mind, but I can only interpret the Act by the language which he has used."

*Hoddinott v. Newton Chambers and Co.* [1901], A.C., 63.

**Lord Brampton.**

"In endeavouring to arrive at a satisfactory interpretation of this section, one labours under considerable difficulty. The whole statute is full of incongruities. In it, so many things are said which could not have been meant, and so many things which must have been meant are left unsaid that one often has great hesitation in even forming a conjecture as to what may have been the views and intentions of its framers."

*Hoddinott v. Newton Chambers and Co.* [1901], A.C., 65.

**Lord Lindley.**

"If the omission were designed, it would support such conclusions very strongly. But the first Act is very badly drawn, and it is scarcely safe to rely on the contrast between two definitions."

*Hoddinott v. Newton Chambers and Co.* [1901], A.C., 77.

**The Lord Chancellor (Lord Halsbury).**

"My Lords, in these cases I think it is impossible not to recognise the fact that the Act of Parliament which your Lordships are called upon to construe is one which from time to time presents difficulties of construction. I am not surprised that the Legislature, having a somewhat difficult problem to solve, has used language which does require consideration to give it its true signification. From time to time it was met in the course of manufacturing this Act of Parliament with difficulties that were sought to be solved by the use of words which were, perhaps, not the best chosen, and which have raised some difficulties in the construction of the Act."

*Lysons v. Knowles* [1901], A.C., 84.

**Lord Macnaghten.**

"The word 'average' is used very loosely in the schedule."

"The table of compensation rates is not worked out completely; it is rather sketchy perhaps."

*Lysons v. Knowles and Sons* [1901], A.C., 94.

**Lord Shand.**

"The term 'average' is used not with strict accuracy but loosely in this statute.

*Lysons v. Knowles and Sons* [1901], A.C., 94.

**Lord Davey.**

"My Lords, your Lordships have had before you in the course of this session, and earlier, several appeals on this extraordinarily ill-drawn Act, but I do not know that your Lordships have had one of greater importance or greater difficulty than the one before you. The difficulty really arises from this, that the draughtsman has apparently not worked out the scheme which he had in his head, and it looks very much as if the Act had really been framed from notes of legislative intention, and had not been expanded into the proper language. Cases which have arisen and cases which are likely to arise appear not to have been contemplated, but apparently were supposed to be covered by the general language used in the Act."

*Lysons v. Knowles and Sons* [1901], A.C., 95.

**Lord Davey.**

"I do not say it is good drafting—I do not say that it is free from difficulty; but on consideration of all the circumstances I think that that is the proper way of construing it."

*Lysons v. Knowles and Sons* [1901]. A.C., 98.

**The Lord Chancellor.**

"I admit that the statement of that legislation is somewhat grotesque, but that is what the Legislature has done. The county-court judge not unnaturally shrank from adopting what the Legislature has done, but I am afraid neither a county-court judge nor your Lordships' House have any right to criticise what the Legislature has done."

*Stuart v. Nixon* [1901], A.C. 90.

**The Master of the Rolls.**

"It was said that the Act of 1897 spoke of a 'railroad' as distinct from a 'railway,' and that therefore the Legislature could not have intended that the former word should have the same wide meaning as the latter. Knowing this Act well, his Lordship denied that any such inference could be drawn."

*Fultick v. Evans, O'Donnell and Co.* [1901], 17 T.L.R., 346.

**Deputy Judge Pitt-Lewis, Q.C.** **City of London Court, May 25th, 1899.**

"The . . . (*Compensation*) Act was an extraordinary tangle of legislation. It was like solving a conundrum. The statute seemed to have been drawn by a person who had strayed into the land of topsy-turveydom and there acted upon his recollection of the great composition 'the house that Jack built,' but also with the disadvantage of not knowing what he meant. The draftsman had left the judges to guess at what was meant. The case was a very important one to all employers of labour and workmen, and he hoped it would go to appeal. Even the Court of Appeal hesitated at deciding anything under the Act, and there was no wonder at it, for it was the most wonderful piece of legislation which had ever been enacted."

*From the* TIMES, *May 26th*, 1899.

**His Honour Judge Parry.** **Fortnightly Review, July, 1900.**

"The Workmen's Compensation Act, as Serjeant Arabin said of a case he was arguing, 'bristles with pitfalls as an egg is full of meat.' It is a veritable Chinese puzzle of legislation, a legal chaos. A mixture of clauses and schedules enacted by Parliament, supplemented by rules and orders of various departments. . . . But it is not possible to set out at any length the various matters which the draftsmen omitted, misstated, or left balanced in legal language with such vague nicety that the most learned judges have doubted on which side was the greater weight of sense. . . . It would not be possible to give any idea of the snowball of litigation that is rolling up round this one small Act of Parliament. In the Cause List of the Hilary Sittings there were no less than thirty-eight cases on appeal from the county-courts to the Court of Appeal, and it is more than probable that, however the cases are decided, they will add to the burden of those whose business it is to make the Act a working success. It is certain they will cost to the litigants time, temper, and money out of all proportion to any possible beneficial result."

*From the* **Leeds Mercury**, *February 24th*, 1899.

"His Honour Judge Waddy, Q.C., had before him yesterday, at the Sheffield County-court, three cases under the Workmen's Compensation Act. The cases were of an exceedingly simple character, and were chiefly interesting as showing the uncertainty that still reigns with regard to the Act. The judge, in the course of one of the cases, said he entertained a very strong view indeed that the Act was doing damage to the unfortunate workmen instead of good. He asked the members of the legal profession what their experience of the Act was, and whether, in consequence of its restrictions, they were turning cases away.

"Mr. Muir Wilson replied that for every case he brought into court he had to turn two away, the accidents having happened in an employment or under circumstances to which the Act did not apply. The difficulties of the Act were: First, as to scaffolding; secondly, as to the height of buildings; thirdly, as to a person being in or about a factory; and, fourthly, arising out of, or in the course of, his employment.

"His Honour said the new Act was unfortunately full of exceptions."

The following observations were not judicial, being delivered in the course of argument by MR. RUEGG, K.C., in *Hoddinott v. Newton Chambers and Co.*, and reported in the Law Reports. They will, however, pretty clearly sum up the impression which will be made on the average mind by the series of dicta given above.

"The building resembled the Act itself; when brought into use it was found to be faulty, unsound, and dangerous. There is no evidence that the architect of the building was rash, ignorant, or incapable, but without requiring to be pulled down and rebuilt it needed structural alteration. The Act seems to need re-making."

*Hoddinott v. Newton Chambers and Co.* [1901], A.C., 51.

# IV.—POINTS AND FIGURES.

## *Promise v. Performance.*

"*He had realised that evening how interesting it was to contrast the boldness of politicians in Opposition with their timidity when they found themselves in power.*"—MR. BUCKNILL, M.P. (now Mr. Justice Bucknill) (C), in Debate on Compensation Act, in House of Commons, on May 3rd, 1897.

## *The Act and "Casual" Labourers.*

Does the Compensation Act apply or does it not to "casual" labourers? That is clearly an exceedingly important question, for in many trades, in addition to the regular workmen, there are always a certain number who are engaged as "casuals" or to work by the piece. Mr. Sexton, the general secretary of the National Union of Dock Labourers in Great Britain and Ireland, wrote on the matter the following letter to Mr. Chamberlain:—

"As you were the most prominent advocate of the Workmen's Compensation Act now become law, and, I understand, had much to do in the framing of the Act, I would feel extremely obliged if you would explain whether it was the intention of the framers of the Act in question that casual labourers, who include piece-workers, and whose occupations were admittedly within the scope of the Factories Act, are to be excluded from all benefits? I am prompted to ask you this because of the point which is now being raised with respect to members of our trade (which is covered by the Factories Act), and which, if accepted, will exclude at least 60 per cent. of the workpeople for whose benefit the Act was intended. The Judges of the High Court, in the case of *Williams v. Poulson*, though they have not definitely decided the point, have already given an *obiter dictum* to the effect that men casually employed, and not in the receipt of weekly wages, are not within the meaning. A reply at your earliest convenience will oblige."

Mr. Chamberlain's reply (dated November 27th, 1899), through a secretary, was as follows:—

"I am directed by Mr. Chamberlain to acknowledge the receipt of your letter of November 20th, and to say that of course he is not able to give a legal opinion, but that when the Act was passed he certainly had no idea that piece-workers or casual labourers, if engaged in *bonâ fide* employment, could or would be excluded from the benefits of the measure."

There have already been cases in the County-court in which compensation has been refused on the ground that the workman was only a "casual" labourer and therefore outside the Act. If this be correct law, Mr. Chamberlain's promise of compensation to *every* workman for *every* accident is further off realisation than ever.

CHAPTER VIII.

# THE TEMPERANCE QUESTION.

## I.—THE TORY PROMISE.

"I am still inclined to say that the *most urgent* social reform which can be submitted to us is a reform in connection with the promotion of temperance."

**Mr. Chamberlain,** "Social Programme" Speech, BIRMINGHAM, *October 11th*, 1894.

"I have expressed more than once my full approval of the principles involved in Mr. Chamberlain's proposals."

**Lord Salisbury,** Letter dated *January 14th*, 1895.

"We want to promote temperance without ruining the publican."

**Mr. Chamberlain** at NORTH LAMBETH, General Election, 1895 (*July 9th*).

"It is not because I believe nothing can be done to make this state of things in our big towns better than it is; it is not that I am not well aware that there is in many cases *a grievous scandal existing to which it is the duty of statesmen to devote attention.* I believe that without doing injustice to anyone, without robbing any man of his property, we might, at all events, reduce very largely the number of public houses where they are altogether unnecessary for the convenience of the population. I believe we might make more stringent regulations against drunkenness, and I believe when we are dealing with men who are drunkards—men, that is to say, who are possessed by the disease, for it is nothing less—we should deal with them with all sympathy, but at the same time as we deal with the sick. We send the sick to a hospital; we ought to send drunkards to a hospital where they can be cured of their evil habits. In these ways, therefore, we can do much to reduce the extent of this great evil, and it is not necessary at the dictation of fanatics and pharisees to interfere with the legitimate liberty of every working man in order to protect the few against themselves."

**Mr. Chamberlain** at WEDNESBURY, 1895 General Election (*July 15th*).

"It (*the Unionist policy*) would promote temperance without confiscating the means of livelihood of a large class of her Majesty's subjects."

**Mr. B. L. Cohen** (Tory M.P.), 1895 General Election Address in EAST ISLINGTON.

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"I am in favour of a bolder treatment of the question than has yet been attempted . . ."

**Mr. G. N. Curzon** (now **Lord Curzon of Kedleston**), 1895 General Election Address at SOUTHPORT.

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"The Unionist leaders have announced their intention of devoting the time of Parliament to measures which include Temperance Reform."

**Earl of Dalkeith** (Tory M.P.), 1895 General Election Address in ROXBURGHSHIRE.

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"It is my hope that under a strong Unionist administration, combining both wings of the Unionist party, we may see a successful attempt made to grapple with . . . the question of the liquor traffic."

**Viscount Folkestone** (Tory M.P.), (now **Earl of Radnor**), 1895 General Election Address in WILTON (Wilts).

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"The Unionist Government have pledged themselves to promote useful legislation for the benefit of the people. Among such measures may be specially mentioned Temperance Reform on equitable lines. . . ."

**Sir Edwin Durning-Lawrence** (Liberal Unionist M.P.), 1895 General Election Address in TRURO.

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# II.—WHAT THE TORIES HAVE DONE.

No one expected this Government to reintroduce the Local Veto Bill, but it is clear from the above pledges that in 1895 they did promise temperance legislation, declared in 1894 to be the "most urgent" of all temperance reforms. Let us see what their record is.

1.

Not long after the General Election of 1895 Mr. Walter Long said, in a speech to the Country Brewers:—

"If legislation dealing with licences was to be introduced, those whom he was addressing would be consulted, and he was letting them into no secret when he told them that, for his part, he hoped the opportunity for the consultation would not arise."—(*London, November 5th*, 1895.)

This clearly indicated that in Mr. Long's opinion, at all events, the ideal liquor policy was the policy of doing nothing.

2.

Early in 1896 (February 7th) an important deputation, including eleven Bishops, waited on Lord Salisbury and Mr. Balfour at the Foreign Office from the Church of England Temperance Society. The Bishop of London introduced the deputation, and pleaded that the present opportunity was a most suitable one for attempting to settle the Temperance question, since at this particular juncture the Good Templars, as well as the United Kingdom Alliance, would follow the lead of the Church of England Temperance Society. There was also a gentle reminder that "very much the majority of the members of the Church of England Temperance Society were supporters of the present Government." Lord Salisbury, in replying, began with the ominous words, "I shall not deserve your applause." He proceeded to justify this statement up to the hilt by admitting that he made "an idol of individual liberty" and saying:—

". . . I can only say, and it really seems superfluous to say it, that we deeply respect the motives and understand the high objects which animate those who maintain this movement, but it is a movement on which the deepest feelings are excited on all sides, and the solution of the problems which it raises is much complicated by the fact that the information at our command, both as to what goes on in this country and as to what goes on in other countries, is very limited and very disputed. *For the present year, at all events, we do not feel that there is any probability that we shall have either the time—or the courage—to address ourselves to the more important at least of the questions to which you have invited our consideration this day.*"—(*Foreign Office, February 7th*, 1896.)

Put into other language, this is simply saying that a large majority is much too precious a thing to fritter away just in order to redeem your pledges.

3.

The Government in 1896, redeemed their pledge to legislate by asking a Commission to tell them if there is any need for legislation and, if so, what that legislation ought to be. This Commission consisted of twenty-four members, eight representing Temperance, eight the "Trade," and eight "neutrals."

4.

In the Session of 1898 the Inebriates Act was passed—a useful measure, but only dealing, of course, with an infinitesimal part of the whole question bound up in the Liquor Traffic.

5.

In July, 1899, the Licensing Commission presented two Reports —the Majority and Minority (Lord Peel's). These reports differ, but contain a large number of recommendations in common. (See below.)

6.

Next Sir Matthew White-Ridley (then Home Secretary) said (at a Country Brewers' Banquet) that the subject is too difficult and controversial for a Government with only 130 majority to tackle, and that it will be "judicious" of them to "hesitate":—

"He would be a bold man if he attempted to say anything to them upon the results of the Licensing Commission. It was, of course, his duty to study their report, but he was bound to say that it did not appear to him to be overwhelmingly in favour of immediate legislation. He would be a very adventurous man who, as a result of that commission, said it would be the duty of any Government to hurry on immediate legislation with regard to the licensing question. No one would deny the substantial fact that it was the duty of any Government desirous of improving the condition of the people to do all they could to remedy the evils which all of them admitted to exist. The general principles were agreed upon, but, with all the details upon which they would have to fight in the House of Commons and in the constituencies, with all the most argumentative and contentious points of the subject left undecided, it seemed to him it would be judicious for the Government to hesitate before they attempted to deal with the matters involved in a hurry. He should be the last to wish to underrate the work of the Licensing Commission, and, if it came within the province of the present Government to deal with the matter, he hoped they would find that, as the Chancellor of the Exchequer said last year, it would be dealt with in a judicious and impartial spirit and with the sole view of doing that which appeared to be necessary without damaging the legitimate industries and trades of the country."—(*London, November 8th*, 1899.)

The policy of "judicious hesitation" in touching vested interests is quite intelligible in the Tory party. Possibly a little light is thrown on the subject by a statement made by Mr. C. S. Read, a Tory ex-M.P., who, in April, 1899, said:—

"It was said that the last General Election was won by 'Beer and the Bible.' In my humble opinion there was a great deal of beer and precious little Bible."

7.

On May 8th, 1900, the Bishop of Winchester brought forward a motion in the House of Lords, a motion affirming the desirability of legislation on the recommendations agreed to by all the Commissioners. Lord Salisbury's reply was a most uncompromising "no," in which he flouted the idea that any particular attention need be paid the recommendation of the Commission and insisted on the need of careful inquiry before any legislation was introduced. He poured contempt on the proposals (1) to restrict the sale of liquor to children (the public house apparently only becomes "contaminating" when you are over sixteen), and (2) to extend the Welsh Sunday Closing Act to Monmouthshire. *Both these proposals in the Session of* 1900 *received the assent of the House of Commons.* (Neither, however, became law. Mr. Balfour resolutely declined to help forward either, though the Bill affecting the children had been read a second time without a division.) In fact, Lord Salisbury's speech was not only a refusal to attempt new legislation, but an indictment against all laws in regulation of the Liquor Traffic. For instance he said:—

"You wish to prevent a certain number of people from getting drunk; therefore you are asked to prevent four, five, and six times as many, who are sober consumers, from having an opportunity of the free indulgence to which they have a right."—(*House of Lords, May 8th*, 1900.)

## (8) THE VAGARIES OF 1901.

Early in 1901 (January 16th) an important and influential non-party deputation waited on the new Home Secretary (Mr. Ritchie), its six spokesmen being :—

| | | |
|---|---|---|
| Sir Algernon West. | Lord Heneage. | Lord Grey. |
| Lord Windsor. | The Bishop of Winchester (Dr. Randall Davidson). | Sir John Kennaway. |

The deputation urged the need of licensing reform especially in the following four directions :—

(1) of a reduction of licences according to the needs of the district on equitable lines of compensation to be provided by the trade ;

(2) of the bringing of all licences within the jurisdiction of the licensing authority ;

(3) of legislation in regard to clubs ; and

(4) of reconstructing the licensing authority and Court of Appeal.

Mr. Ritchie admitted that the "evil was a great one," but said what the deputation asked was a "formidable request," sure to land the Government into all sorts of trouble. Just as the "Expert" Committee on Old Age Pensions declared that if the workman were only "prudent, self-reliant, and self-denying" he wouldn't want an Old Age Pension, so Mr. Ritchie said that the real way to get Temperance Reform was to aim at Better Housing, Amusement, and Recreation. No one doubts that all these help Temperance, but the evil is one which wants attacking from all sides.

The King's Speech of 1901 announced as one of the measures the House of Commons was to consider, "if the time at their disposal should prove to be adequate," a Bill "for the prevention of drunkenness in Licensed Houses or Public Places." Mr. T. P. Whittaker (L) (Spen Valley) moved an amendment deploring the fact that the measure promised was so partial and inadequate. Mr. Ritchie, however, assured the House that there would be more in the Bill than met the eye :—

"I am afraid I can only assure the House that it is the intention of the Government not to confine the measure to the mere 'chucking out' proposals which have been suggested, but to deal in a large and liberal manner with many of the proposals which have been made in common by the two reports. I think I may fairly ask the House to be content with that assurance on my part, and enable the Government to submit to the House in the usual form the proposals they have to make."—(*House of Commons, February 20th*, 1901.)

Time passed on and yet this promised Bill was never introduced. On May 14th, in the House of Lords, the Earl of Camperdown moved the second reading of his Licensing Boards Bill. Lord Belper, on behalf of the Government, would have nothing to do with it. Lord Salisbury added to his plea for "free indulgence" a regret that we have abandoned "free trade in drink" :—

"I repudiate as the most dangerous of all fallacies the idea that it is the business of the Government to legislate on the matter when the Government have not stated that any particular measure is in their judgment one that requires the sanction of Parliament. I have my own strong opinion upon

this subject; but the matter is not now a Government question, and I do not feel that I am at all justified in attempting to represent the opinion of my colleagues about it. My own opinion is that we have wandered too far from the doctrine of free trade, and we have attempted too much the functions of a paternal Government. We have found, consequently, all the difficulties which usually fall as an obstacle in the way of a paternal Government."—(*House of Lords, May 14th*, 1901.)

Lord Rosebery most effectively ridiculed the attitude taken up by Lord Salisbury:—

"What you come to is this: You will not have a Royal Commission, you will not have the report of a Royal Commission, you will not have a resolution, you will not have a big Bill, you will not have a small Bill; and that is the declaration of the head of the most powerful Government of modern times."—(*House of Lords, May 14th*, 1901.)

On May 17th two Bills introduced by the Bishop of Winchester (Dr. Davidson)—the Habitual Drunkards and the Licensing Sessions—were considered in Committee. For some time before the Bishops and Archbishops had been preparing us for some great temperance *coup* on the part of the Government. "Some day," said the Archbishop of Canterbury (Dr. Temple) to the National Temperance League on April 29th, "a very important step might be taken suddenly by Parliament, when they did not quite expect it." "The country," said the Bishop of London (Dr. Winington Ingram) on May 10th, "is within a few hours of a great Temperance victory." It turned out that the "great measure" proposed was not their own measure at all but the Bishop of Winchester's Bill with such alterations as the Cabinet thought desirable. Out of 68 lines of the Habitual Drunkards Bill as introduced by the Bishop, exactly 4½ were left after the Government had amended it. In the end of the day the Bill was dropped by the Government. So ended the Parliamentary history of Temperance Reform in 1901, so far as the movement was concerned.

## (9) THE CHILDREN'S LIQUOR ACT, 1901.

A private Bill brought in by Mr. Crombie (L) (Kincardineshire), the Sale of Intoxicating Liquors to Children Bill, was passed into law, the second reading in the Commons being carried on March 20th, 1901, by 374 to 56 (46 Unionists, 10 Nationalists). The Bill provides:—

Every holder of a licence who knowingly sells or delivers, or allows any person to sell or deliver, save at the residence or working place of the purchaser, any description of intoxicating liquor to any person under the age of fourteen years for consumption by any person on or off the premises, excepting such intoxicating liquors as are sold or delivered in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only, shall be liable to a penalty not exceeding forty shillings for the first offence, and not exceeding five pounds for any subsequent offence; and every person who knowingly sends any person under the age of fourteen years to any place where intoxicating liquors are sold, or delivered, or distributed, for the purpose of obtaining any description of intoxicating liquor, excepting as aforesaid, for consumption by any person on or off the premises, shall be liable to like penalties. Nothing in the Act is to prevent the employment by a licensed person of a member of his family or his servant or apprentice as a messenger to deliver intoxicating liquors.

## 10) THE LICENSING ACT, 1902.

The King's Speech of 1902 contained an announcement of a measure "for amending the law relating to the sale of intoxicating liquors and for the registration of clubs." The Bill was almost immediately introduced by Mr. Ritchie and read a second time on April 7th without a division. The following is a summary of it in the form in which it was eventually placed on the Statute Book (on August 8th, 1902).

Part I. relates to Amendment of the Law as to Drunkenness. Clause 1 authorises the apprehension of anyone found drunk and incapable in any public place. Clause 2 renders anyone found drunk in charge of a child under seven years liable to a fine of 40s., or a month's imprisonment. By Clause 3 persons convicted of drunkenness may be required to give security for good behaviour, in addition to or substitution for any other penalty. Where a person is found drunk on licensed premises the burden of proving that all reasonable steps were taken for preventing drunkenness is to lie with the licensee. Under Clause 5 the wife of a habitual drunkard may apply for an order under the Summary Jurisdiction (Married Woman Act), and the Act shall apply accordingly. Where the wife is a habitual drunkard the husband may apply for an order, and the Court may make one or more orders containing a provision that the applicant shall no longer be bound to cohabit with his wife, a provision for the legal custody of any children of the marriage, and a provision for a reasonable allowance to the wife not exceeding £2 per week; or, instead of making such orders, the magistrate may, with the consent of the wife, order her to be committed to a retreat licensed under the Inebriates Act. Clause 6 requires that notice of conviction of any person declared to be a habitual drinker under the Inebriates' Act shall be sent to the police authority of the area within which the Court is situate, and thereafter a person so convicted shall be liable to a fine of 20s. for a first or 40s. for any subsequent offence if within the space of three years such person obtains, or attempts to obtain, liquor at any licensed premises or club; and the holder of a licence who knowingly sells or allows the sale on his premises to any such habitual drinker shall be liable to a fine of £10 for a first and £20 for a second offence. Any person who procures, or attempts to procure, drink for consumption by a drunken person shall be liable to a fine of 40s. or a month's imprisonment.

Part II. relates to Amendment of the Licensing Law. Under Clause 9 a record of convictions of licensed persons is to be kept by the Clerk to the Licensing Justices in his register of licences, and if the conviction occurs in any Court whose clerk is not Clerk to the Licensing Justices, he is to send notice of it to the Clerk to the Licensing Justices. Clause 10 gives free and unqualified discretion to licensing justices to refuse or grant off-licences, but in case of existing licences the refusal shall only be on one or more of the grounds on which it might have been refused if this Act had not been passed. Clause 11 gives the Justices control over any alterations made on licensed premises, notice and plan of which are to be deposited with the Clerk to the Justices. Under Clause 12 a justice shall not be disqualified by reason only of his being interested in a railway company which is a retailer of intoxicating liquor. Clause 13 prohibits clerks to licensing justices from acting as solicitor or agents to applicants for licence. Various provisions are made as to the date of licensing meetings, transfers of licences, and occasional licences and notices as to application. By Clause 20, in case of an appeal against the decision of licensing justices, the costs of the Justices are to be paid out of the county or borough funds. By Clause 21

no meetings of justices in petty or special sessions shall be held on licensed premises; nor shall any coroner's inquest be so held where other suitable premises may be obtained.

Part III. relates to the Registration of Clubs. The Secretary of every club which supplies intoxicating liquor to its members or guests shall have it registered, and the Clerk to the Justices is to keep a register of all such clubs within the division. Every January the secretary of the club is to furnish particulars to the Clerk of the Licensing Justices. Before any new club is opened, a return is to be given of the particulars required by this Act. The penalty for selling liquor on an unlicensed club is a month's imprisonment, or £50 fine. No liquor for consumption off the premises is to be sold in any club. A club may be struck off the register for various reasons, one being that the number of members is less than twenty-five: or breach of any of the regulations or misconduct. Justices may grant a search warrant to the police for a club-house on reasonable ground being shown that it is ill-managed. The penalty for false returns respecting a club is a month's imprisonment or £50 fine.

The late Dr. Temple's comment on the Bill was illuminating:—

"The Bill now before Parliament he did not think a very valuable one, but the fact that a *very, very reluctant Government* had brought in a Bill to do anything in this matter constituted a very decided step in advance and gave good hope that before very long they could be made to take another step."—(*Lambeth Palace, April 21st*, 1902.)

The grounds of this "reluctance" were explained in a remarkable speech made in the previous month by the Bishop of St. Asaph:—

"When it was desired to pass a law there were generally a number of people in favour and a number against. When they came to temperance legislation they found on the one side the trade. He did not wish to say one unkind word of anybody, but the trade said that their motto was their trade before their politics. That meant that the interests of their trade were to override everything. It did not matter whether it was a foreign war, or education, or the franchise, or social emancipation in any direction, the trade must come first. That was the standing principle. The trade was very rich, very well organised, and moved as one solid united mass whenever its interests were in any way assailed. Then what had they got on the other side? There were plenty of temperance bodies and plenty of temperance workers, but he did not know whether he could say they were very rich. He could hardly say they were well organised. He could not look back over the temperance work of this country and say that it represented one mass of people moving, keeping in step together, resolved to achieve one policy—he could not say that that had been the history of the temperance cause. It had been a history of this section wanting to get their way, and that section wanting to get their way, and the result had been little or no progress. It might be natural, just what they might expect where there were a number of voluntary organisations promoting a vast work like temperance. They had different views of the work, while against them was the united trade. What had been the result? The temperance legislation of recent years had been a singularly barren record. There had been very little of what was called 'root and branch' temperance legislation. He had been in Parliament now for some years, and had listened to one debate after another on temperance, and he thought that *the attitude of the present Government on the temperance question was little short of deplorable.* They had a vast majority in Parliament, and what had they done for temperance? He supposed they ought to be thankful for small measures. But what might

not the Government have done with that big majority if they had gone in heart and soul for temperance reform. Someone might say, 'That is all very well, but what about the Church? Are not the interests of the Church very much bound up with those who are in power in this country?' He would say in reply what he had said before. If the Church either in England or Wales was to depend for the security of her position on her support of the trade, he would have nothing to do with such a thing. They knew very well he was not in favour of disestablishment and disendowment. But he would rather go in for disestablishment and disendowment to-morrow than he would see the Church linked to the trade. He hoped the Church people would bear that in mind when the time came for them to make their influence felt by their votes in the ballot-box. Let them not go for the trade if they wanted temperance legislation. . . ."—(*Colwyn Bay, March 4th*, 1902.)

## (11) MINISTERS AND THE "TRADE" IN 1903.

Early in 1903 the coming into operation of the Licensing Act of 1902 and the non-renewal of licences by magistrates in various parts of the country had together had the effect of concentrating public attention on the licensing question. Where the number of licences had been in excess of the requirements of the district, certain benches of magistrates—not only acting well within their rights but in the bare pursuance of the duty laid upon them by the law of the land, as judicially interpreted in the courts—refused to renew a number of the old licences. In some cases—as at Birmingham—the necessity for this has been obviated by the licensees themselves arranging not to ask for the renewal of licences in districts clearly possessing a superabundant supply of drinking facilities. As might have been expected, this magisterial action caused considerable perturbation in "the trade"; but what could not have been expected—except, indeed, by those who realise (as does the Bishop of St. Asaph apparently) the full extent of the obligation under which the Tory party lies to "the trade"—was the attitude taken up by the Government in the matter. The leading Ministerial spokesmen were two—the Lord Chancellor and the Prime Minister. The former, notwithstanding the position he holds as a member of the supreme judicial tribunal by which all licensing points of law have ultimately to be decided, thought it proper (on March 16th, 1903) to give in the House of Lords a long exposition of the law in answer to a question by Lord Burton. It may be admitted that the Lord Chancellor's bark proved to be worse than his bite, since what he had to tell Lord Burton was that the magistrates had an undoubted discretion in the matter of renewing existing licences, provided that the discretion was exercised not capriciously, but with due regard to the facts in each particular case.

Mr. Balfour, however, was constrained by no such considerations as clearly weighed with the Lord Chancellor, for the Prime Minister thought it consonant with the high position he holds to regale (on March 18th, 1903) a deputation, said to be representative of all sections of the liquor trade, with a "severe and caustic" "lecture to the magistrates," upon whom he inflicted a "castigation." This description is that of a leading Ministerialist (Mr. E. Beckett at Leeds, March

31st). Perhaps the most amazing passage of an altogether amazing speech with its reference to the "very serious and as I think very unjust strain" on the Trade was the following:—

"I do not know that you will expect me to say anything more upon the question of policy, nor have any of you asked me, and I think rightly and wisely, what precise course it is the business of Government to take at the present time. Remember, in the first place, that *quarter sessions may reverse, and I hope will reverse, at all events, the most extravagant of the decisions—if that is the proper word—which have been come to at the Brewster Sessions.* I hope that may be the case; but, putting that contingency out of view, all those whom I am addressing are aware that that is a problem that has only reached its acute stage last month—it certainly never came before me in any prominent way till within a very few weeks. The problem itself is one which is part of that great question which has been the perplexity of Administration after Administration, the battle ground of one party fight after another party fight, and it is impossible that a Government can be asked to deal with a situation thus unexpected, thus novel, thus serious, and thus intrinsically and inherently difficult at a moment's notice. While, therefore, I appreciate the reticence which has characterised all the speakers this afternoon as regards any cross-examination of my colleagues or myself as to the course we think Parliament ought to take in the matter, I hope you will content yourself with the statement that what has occurred appears to us to be in many cases, however well intended, but little short in its practical effect of injustice and confiscation of property, and to that injustice and confiscation of property it is impossible that either Parliament or his Majesty's Government can remain indifferent."—(*Committee Room, House of Commons, March 18th*, 1903.)

We doubt if a more remarkable utterance was ever made by a Prime Minister—he actually invites one set of magistrates who have to act judicially to upset the decision of others. On the motion for the Easter adjournment (on April 8th) Mr. Lloyd-George, in language none too strong, attacked Mr. Balfour for the amazing speech made to "the trade," which (as Mr. Lloyd-George said) constituted a "serious interference with the administration of the law." Mr. Balfour attempted to ride off on the plea that the House of Lords had decided that the magistrates do not technically form a "court of law." He was, therefore, at liberty to say what he liked. "Am *I*, because it so happens that I am in office, to be the only person in the country who is to be required to keep silence on the point?" But as Mr. Gladstone once said in criticising the present Lord Chancellor, at that time merely an ex-Solicitor-General, "Mistakes pardonable in private persons are scandalous in ex-Solicitors-General." That is precisely the standard to be applied to the Prime Minister.

## (12) MR. BUTCHER'S COMPENSATION BILL, 1903.

On April 24th Mr. Butcher's Licensing Law (Compensation for Non-renewal) Bill was read a second time in the House of Commons, 266 to 133, a majority of exactly two to one. The rejection of the Bill was moved by Mr. Whittaker (L) (Spen Valley) who mercilessly exposed the sham nature of the measure:—

"Essential conditions to the sanction of Parliament to any mutual insurance scheme must be that the money must come from the trade, that

absolute power must be given to the justices—or any other body to whom Parliament might entrust the dealing with licences—to reduce the number of licences, or to abolish them altogether if they thought fit, and that the levy made on the trade must be guided by the reductions, and not the reductions fixed—as the Bill proposed—by the levy. The Bill made a miserable, paltry levy, and bound the justices so that they could not reduce the number of licences until they were able to pay for them. Other essential conditions to the State coming to the assistance of the trade in the matter of mutual insurance were that such action must not be a block to further temperance reform, and that there must be a time fixed, sooner or later, when this compensation must come to an end. But the Bill was an imposture. It would not facilitate the reduction in the number of public-houses. It would limit the power of the justices to abolish licences. Indeed, its real object was to put a stop to the energy the magistrates had been recently displaying in diminishing the supply of public-houses. The Bill deprived the justices of the power to refuse the renewal of a licence, on other grounds than the bad character of the house, unless they were able to pay compensation. As a matter of fact, the money to be raised under the Bill would not be sufficient to buy out as many licences as were now abolished without it. In villages it would take thirty years before the existing houses would contribute money enough to buy out one house. In towns of 150 licences only one licence a year would be abolished. Another illustration of the inadequacy of this levy was that under this scheme it would be sixty years before they could reduce the number of licensed premises in England to the number in Scotland. Scotland had far fewer licensed premises in proportion to the population than England had, but the number in Scotland should be still further reduced. This was a miserable, paltry proposal. It was a retrograde measure. It was a Reduction Prevention Bill—a ridiculous farce, and, he ventured to say, an imposture. It was trifling with the country and with the House to tell them it was a measure for facilitating the reduction of the number of public-houses. They had never before had in Parliament a proposal to give compensation to the trade which was not accompanied by a substantial temperance reform. Eighty years ago the tax on the trade was more than double what it was to-day. That relief from taxation had made the houses so valuable and had created the difficulty they now had to face. An addition of 5 per cent. to the present taxation of the trade would be sufficient to provide the mutual insurance fund that was required. That was not a crushing burden. The trade had to admit either that a reduction in the number of public-houses would not diminish drinking, and that, therefore, their profits would be greater and they could afford to pay, or that the existence of a large number of public-houses promoted intemperance, and was therefore a national evil. This levy at the outside would only produce half a million a year. In the West Riding of Yorkshire there would have to be a levy on sixty-six villages with a population of 1,000 in order to buy up one licence a year. The proposal was ludicrous, and the machinery for carrying it out was ridiculous. The joint committee need not levy 6s. 8d., they might levy only 3d., and that would put a stop to the whole business. If they did levy 6s. 8d. the reduction authority need not reduce. If they did reduce there was an appeal to quarter sessions. Such a scheme would make reduction absolutely impossible in many cases. Even new licences were to be put on the same footing and to have a claim to compensation. This was a perpetual endowment scheme for public-houses. This Bill would seriously limit the power of justices to reduce the number of public-houses, and would make the number of reductions smaller almost all over the country than it had been without any such Bill. The effect of the Bill would be to intrench the trade

in a stronger legal position than it had to-day, and practically to destroy all hope of temperance reform in the future."—(*House of Commons, April 24th*, 1903.)

Later in the debate Mr. Asquith summed up the case against the Bill in two or three sentences:—

"I entirely demur that the issue which the right hon. gentleman (*Mr. Long*) has tried to foist upon us is a question of compensation or no compensation. For my part, I shall give my vote on the merits of this Bill and upon no other issue of any sort or kind. Because I believe that this Bill is improvident, unnecessary, and unworkable, because it interferes with the discretion which the licensing law reposes in the justices, which ought to be the foundation of any wise and just system of licensing, I shall vote without any hesitation against it."—(*House of Commons, April 24th*, 1903.)

The line taken by the Government will be gleaned from what Mr. Asquith said. It was to pretend that the particular scheme of the Bill did not matter—admittedly it was impossible and impracticable as introduced—but to read this Bill a second time amounted to no more than a pious declaration in favour of compensation. Mr. Balfour said this was the "most moral course," although Sir Henry Campbell-Bannerman pointed out the insincerity of the Government's proceeding:—

"Why does he (*Mr. Balfour*) not, with his responsibility, take the necessary steps for introducing a measure dealing with this great question? Instead of that the Government are going to support a Bill which, according to the President of the Local Government Board, is faulty in all its details and methods, and which only represents the declaration of a pious opinion in favour of compensation, on which subject he will have probably nearly a unanimous House."—(*House of Commons, April 24th*, 1903.)

## THE LICENSING COMMISSION REPORT.

The Commissioners consisted of three parties—eight members of the "Trade," eight of the Temperance party, and eight Independents, with Lord Peel as Chairman. The Temperance party adopted Lord Peel's report in its entirety, and this constitutes the minority report, which is the basis of the volume, and should be read first. The Independents and the "Trade" members coalesced in favour of a very modified version of Lord Peel's report, taking it paragraph by paragraph, and watering down its recommendations and its general tone. Both reports agree upon a substantial minimum, though their most important recommendation—the reduction of the number of public-houses—hinges upon the question of compensation, on which they are hopelessly at variance.

### A.—The Points of Common Agreement.

1. *Consolidation and Simplification of the Law* (which is at present contained in twenty-five separate Acts).
2. *Immediate and Extensive Reduction in the Number of Licensed Houses.*
3. *Reconstitution of the Licensing Authority*, by addition of element nominated by elective body (town councils in boroughs, county councils elsewhere), one half of whole number, according to minority report, one third according to the majority.

New Appellate Tribunal, nominated partly by justices, partly by elective bodies, to discharge present functions of Quarter Sessions and Confirming Committee.

4. *Reforms of Administration and Procedure:*
   (1) To mitigate the evils of the tied-house system full powers should be given to licensing authority to call for production of agreements, and to inspect all plans for improvement and alterations.
   (2) They should have notice of all applications for new licences, and have power to impose structural conditions.
   (3) No licence should be renewed to houses under £12 rateable value.
   (4) Justices' clerk to be under same disqualification as justices.
5. *Extensions of Powers of Licensing Authority:*
   All licences at present wholly or partially outside jurisdiction of the authority (including privileged "ante-1869" beer-houses, thirty thousand in number) should be brought within it.
6. *Isolation of the Public-house:*
   Public-houses not to be used for inquests, revising barristers courts, petty sessional courts, common lodging-houses, seamen's lodging-houses, nor (without special licence) for music or dancing.
7. *Sunday Closing:*
   (*a*) To be extended to Monmouthshire.
   (*b*) Power should be given to impose condition of Sunday closing on all licenses.
   (*c*) Further limitation of hours of sale on Sunday in England.
   (*d*) *Bona fide* travelling to be more strictly defined, and law as to drinking at railway stations amended.
8. *Increased Stringency of the Law:*
   (*a*) Sale of intoxicants to children under sixteen to be absolutely prohibited.
   (*b*) General power of arrest for drunkenness. If persons found drunk on licensed premises, or leaving them drunk, knowledge of the publican to be presumed unless disproved.
   (*c*) Black list of drunkards and summary of legal regulations to be kept at all public-houses.
   (*d*) Habitual drunkenness of husband to entitle wife to separation order.
   (*e*) It should be an offence to be drunk in charge of a child of tender years.
9. *Police Administration:*
   Persons interested in "Trade" to be disqualified for membership of Watch Committees. Legal assistance to be provided for police. Head constable to be irremovable except by Secretary of State. Officers of high rank to be appointed as special inspectors of licensed houses.

10. *Clubs:*

All Clubs where intoxicants are sold to be registered, regulated, and supervised.

Lord Peel's report makes a number of special recommendations all tending to greater stringency, but in the same direction. It also recommends the abolition of grocers' licences.

THE POINTS OF DIVERGENCE.

1. *The Functions of the Licensing Authority—Administrative or Judicial:*

Briefly—the minority maintain that the justices are a committee, whose duties are administrative, and that they should personally investigate the matters with which they have to deal.

The majority maintain that they are, or should be, a court, and should act as such—that they should not encroach upon the functions of the police, that they should give their decisions judiciously and act upon such evidence as is put before them.

2. *Compensation;*

Lord Peel's report maintains that the claim to compensation rests upon no legal basis whatever. The law is too clear for argument, though, perhaps, it was not till 1892 (the date of *Sharp v. Wakefield*) that it was generally known. For this reason (the weight of which decreases every year), as a matter of grace and expediency, though not of right, some allowances should be made.

The local licensing authority should fix the number of licensed houses required, within a prescribed statutory maximum. Those suppressed in the first year of the Act should, by way of *solatium*, receive seven times their rateable value; those in the second year, six; those in the third, five, and so on. At the end of seven years all claims to compensation to be regarded as extinguished. (The way would thus be cleared for any experiments in local veto or municipal management which the country may feel disposed to try.) The necessary money to be raised by a tax on licences suffered to continue, and, after the seven years, the proceeds to go to the Imperial exchequer.

The majority Commissioners proceed upon a wholly different principle. Whatever may be technically the law as settled by *Sharp v Wakefield*—

"It is submitted that the expectation of renewal has for a long series of years amounted to practical certainty in the absence of misconduct—the licences refused by the justices because they are not required being an extremely small fraction of the whole number. The licences have consequently acquired an actual and well-recognised value, and many, if not the majority, of the present owners have purchased their licensed houses at prices very largely in excess of the value of the houses themselves without a licence."

The majority, in fact, would give full compensation for all genuine market value.

To carry out their scheme, they suggest that all licences should be at once valued, and that all licences allowed to survive should pay a tax of, say 6s. 8d. per cent. of their declaratory value. The justices could then reduce the local licences to the extent of the funds so raised. The scheme could be worked in septennial periods, the income of the compensation fund being anticipated by a loan raised every seven years.

Figures are given illustrating the working of the scheme as applied to the County of London, which would seem to show that the limit of possible reduction would be 3 per cent. in seven years.

It is to be noted that both parties agree that any compensation paid should be provided by the surviving licences.

New licences should be advertised for by the licensing authority when, in their judgment, they are required. They should be tendered for, and should pay a substantial rent. At the end of seven years all claims to renewal should be regarded as extinguished.

There are various reservations and qualifications made by individual commissioners.

### Local Veto and Municipal Control.

On the question of Local Veto the majority report says: "We are not satisfied that there is at the present time a general desire for the power of local prohibition by plebiscite, and we do not advise the adoption of any of the plans for this purpose which have been submitted to us." The minority Commissioners discuss the proposal at greater length and with more sympathy, but, with five exceptions, come to substantially the same conclusion. After setting out the arguments for and against, they say—

"We have no evidence before us that public opinion in England, whatever it may be in Scotland and Wales, is at all strong enough to justify such a measure. We must recognise the fact that most people still regard alcoholic liquor as an ordinary article of diet, which is only harmful if taken in excess. It would be rash to predict the course of public opinion during the next decade, but since, in any case, local veto could not be tried until the seven years to be allowed for reduction had expired, it might be well to postpone any decision as to its adoption or otherwise until that period of transition has expired.

"In Scotland and Wales, however, the case is different. There opinion is very much more advanced on the path of temperance reform; and we are prepared to suggest that at the end of the given period a wide measure of direct popular control might be applied, under proper safeguards, to Scotland and Wales."

With regard to municipal management the majority reject it summarily, even as an experiment. The minority, while recognising that it has many attractive features, point to the dangerous facilities which it offers to corruption.

"The connection of the municipalities with the liquor trade, as illustrated by the working of Watch Committees, has not been in the past a matter of congratulation."

At the same time they observe that what the actual results of the system would be only experience can tell.

### Scotland and Ireland.

Each report deals separately with Scotland and Ireland, and their recommendations are adapted to the respective needs and conditions of two countries. The part of most general interest is that the minority report recommends the extension of Sunday closing in Ireland to the five exempted cities, while the majority report contents itself with suggesting a further curtailment of the hours of opening.

## SIR HENRY CAMPBELL-BANNERMAN ON THE LICENSING QUESTION.

Sir Henry Campbell-Bannerman, speaking at Aberdeen on December 19th, 1899, made an important reference to the Temperance Question:—

"In my humble judgment, the minority on the Licensing Commission, men of unimpeachable authority as temperance reformers, show us the general lines of such a road, and it is by taking their report as a basis, without necessarily adhering to all their precise and detailed recommendations, that I believe the greatest amount of practical good will be done. Now, who can deny that the great stumbling block in the way of any thorough improvement is the hardship which a general sentiment and a national sentiment, and a proper sentiment admits would be inflicted on a present licence owner when he was deprived of his licence under the action of some new law? We deny his legal right. If a legal right was established it would have to be met out of public funds; but even without any such right there is an obvious hardship which this report to which I refer recognises, that to facilitate the operation of any new law some respite of time should be allowed, and at the same time that those dispossessed should receive suitable compensation from funds levied upon those who remain. Now, gentlemen, I have made an appeal to the strong advocates of reform to accept broadly this view of the question and to address themselves to the consideration of practical measures for the several cases of England, Scotland, and Wales—because Wales is in some degree in an analogous position to Scotland. I have some title, as an old and staunch friend, to make an appeal of this sort. For my part I must say that much as I should like to think that fifty years hence the whole island would have a thoroughly good licensing system, there is something which concerns me much more, which is to be able to hope that five or ten years hence we may have at least some substantial improvement over the present state of things; for I am satisfied that there is nothing that can be done within the whole range of political action which would have a more immediately beneficial effect upon the moral and physical condition of our people."

CHAPTER IX.

# THE HOUSING OF THE WORKING CLASSES.

## I.—THE TORY PROMISE.

### A.—1895.

"We want to clear away those nests of disease and crime which exist in all our large cities, and where people are herded together under conditions which make comfort and health, and even proper living, entirely impossible; and for that purpose I think it to be necessary to extend the principle of the Artisans' Dwellings Act. . . . However good was the principle of the Act, it has not been largely availed of, and the reason is the excessive cost of carrying it into effect. That is due to the fact that it is confined to so limited an area that, when it is adopted, the cost falls upon the community, but the profit goes to the neighbouring landlords and occupiers. . . . What I propose . . . is that the local authorities should have in all cases power to take whatever land they require for the purpose of improvement at a fair price; that they should be able to combine a great city improvement—the widening of streets and the making of squares, and so on—with sanitary reconstruction; and in this way the value of the improved property will go to the Corporation, and will go far to compensate for the cost of the sanitary work."

**Mr. Chamberlain,** "Social Programme" Speech, BIRMINGHAM, *October 11th*, 1894.

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"We believe that much yet remains to be done for the better housing of the people. . . ."

**The Duke of Devonshire,** DARLINGTON, General Election, 1895 (*July 8th*).

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"The better housing of the working classes, the encouragement of freehold occupancy, are some of the subjects on which the labour of a Unionist Government and of the Unionist party may well be expended. In respect to them all something, in respect to some of them much, may, I believe, be done. . . ."

**Mr. Balfour,** 1895 Election Address in EAST MANCHESTER.

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"Improved housing and sanitation are all matters deserving the early consideration of Parliament."

**Mr. J. G. A. Baird** (Tory M.P.), 1895 General Election Address in CENTRAL GLASGOW.

". . . . The condition of the aged poor, the housing of the working classes . . . . these are among the questions to which the new Government will direct their attention."

**Mr. Austen Chamberlain, M.P.** (Postmaster-General),
1895 General Election Address in
EAST WORCESTERSHIRE.

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"Among other things, the better housing of the poorer classes, especially in rural districts, will receive attention. . . . The Unionist party are agreed on these and other social questions affecting the real welfare of the people, and, if returned to power, will proceed to deal with them without delay."

**Mr. Jesse Collings, M.P.** (late Under-Secretary Home Office),
1895 Election Address in BORDESLEY.

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"Under a Unionist Government we may look forward . . . . to much-needed legislation in the direction of . . . . improvement in the dwellings of the poor."

**Mr. R. Pierpont** (Tory M.P.),
1895 Election Address at WARRINGTON.

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## B.—1900.

"If you observe that the villas outside London are the principal seed-plots of Conservatism I am afraid that if you look carefully you will find that such Radicalism as still remains attaches to those districts of London, unfortunately still too large, where what is called the great question of the housing of the poor is living and burning. I would recommend this, that there is no surer guide to the Conservative party in trying to maintain and to improve their hold over public opinion in London than that they should devote all the power they possess to getting rid of that which is really a scandal to our civilisation—the sufferings which many of the working classes have to undergo, in the most moderate, I might say the most pitiable, accommodation. . . . I would only ask you to bear in mind that you must not allow yourselves to be frightened away from the remedies for social evils by the fact that they are made a cover or pretence for attacks upon property and other institutions. You must repel these attacks, but at the same time you must not allow your attention to be diverted from the stern necessities which the vast social changes of our time are imposing upon all who cherish the prosperity of this country."

**Lord Salisbury** at HOTEL METROPOLE (National Union of Conservative Associations), *December 18th*, 1900.

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"I should place in the very front rank of questions affecting this district, that of the housing of the working classes. This is a matter . . . to which I shall devote every possible energy, feeling as I do that it is not an impossible task for Parliament to pass such legislation as shall ensure for every working man and his family in the East of London decent and comfortable lodgings at fair rents."

**Mr. T. R. Dewar** (Tory M.P.),
1900 Election Address in ST. GEORGE'S-IN-THE-EAST.

"The condition of the housing of the working classes is in many districts a scandal. At present the workers must be near their work but often cannot find accommodation at reasonable rents. Proper provision must be made for such accommodation, and in the alternative, for cheap and rapid transit more healthy quarters from the distant manufacturing centres."

**Sir Fortescue Flannery** (Liberal Unionist M.P.),
1900 Election Address at SHIPLEY.

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". . . The better housing of the working classes both in town and country . . . are only some of the many questions which are urgently pressing for a settlement."

**Hon. G. T. Kenyon** (Tory M.P.),
1900 Election Address in DENBIGH DISTRICT.

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"Further legislation is necessary for . . . the better housing of the working classes."

**Mr. T. H. Robertson** (Tory M.P.),
1900 Election Address in SOUTH HACKNEY.

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# II.—WHAT THE TORIES HAVE DONE.

It will be noticed that Mr. Balfour in his 1895 election address promised legislation on two distinct subjects:—

(1) The encouragement of freehold occupancy.
(2) The better housing of the working classes.

The two subjects were—very properly—treated as distinct; of the two the latter is vastly the more important. Vast numbers of workmen want to be "mobile" (to use a war phrase), and therefore could not usefully become owners of their houses; but everyone ought to live in a decent dwelling.

## THE SMALL HOUSES ACT, 1899.

For the creation of the workman freeholder the Small Houses (Acquisition of Ownership) Act was passed in the session of 1899. Local authorities are by this Act empowered to advance money to residents within their area for the acquisition of houses. The advance must not exceed four-fifths of the market value of the ownership, nor £240; or in the case of a fee simple or leasehold of not less than 99 years unexpired at the date of the purchase, £300, and not for the acquisition of a house which, in the opinion of the local authority, exceeds £400 in market value. The money must be repaid within 30 years. The local authority is the Council of a county or a county borough. But the Council of an urban or rural district may adopt it by resolution, subject, in case of the Council of a district of less than 10,000 inhabitants, to the consent of the County Council.

The Act does not deal with the real difficulty in the towns—namely, the housing of the poor. Mr. Asquith said:—

". . . . I cannot help saying in the strongest and most emphatic language that I deeply regret the Government have not taken the oppor-

tunity of going to the real crux of the problem of the housing of the poor. . . . The real difficulty you have got to contend with is . . . . twofold. In the first place, the local authorities have not compulsory powers or have not got them to the extent they ought to have; and, in the second place, they have not got the power to obtain that new reservoir of taxation for local purposes which consists of the rating of ground values."—(*House of Commons, April 17th*, 1899.)

All that Mr. Chamberlain could say on this point was:—

"It may be we are modest, but we are content in doing things in our own little way. . . ."

What unfamiliar humility! The truth is that the Bill was brought in, not so much because of any public demand for it, but in order, by passing it, to make out that something has been done towards passing the Social Programme. It is the case of the Foreign Prison-made Goods Act over again—a measure that is not "economically" but "politically" important, or (putting it more clearly if more baldly) designed to catch votes rather than remove grievances. And, as a fact, the Act is practically a dead letter. Mr. McKenna, on November 13th, 1902, asked Mr. Long if he could say how many houses were represented by the forty-four loans which the Local Government Board have been asked to sanction under the Small Houses Act of 1899. Mr. Long said in reply:—

"The Local Government Board have sanctioned loans in respect of forty of the applications referred to, the amount sanctioned being £42,797. The greater part of this amount was sanctioned for advances in respect of 155 specified houses, and the remainder is to be used in making advances in other cases, particulars of which have not yet been given. I am not able to state the number of houses actually bought by reason of advances under the Act."—(*House of Commons, November 13th*, 1902.)

That is to say the number of workmen who have bought their houses under the Small Houses Act is well less than 200!

## BETTER HOUSING.

### THE ACT OF 1900.

In the Government measure passed in 1900 the only changes of any importance made are:—

(1) In town districts local authorities are to be allowed to buy land outside as well as inside the area they govern.

(2) In country districts the County Council, instead of the District Council, may, if it is willing, build cottages.

And apart from some very small alterations in the law this is all that it does! The Liberals in the House of Commons tried hard to improve the Act.

(1) Mr. Pickersgill's amendment to allow local authorities to buy land when the price is favourable and hold it for future needs.—Defeated by 204 votes to 132.

(2) Mr. Channing's amendment that the sum paid for land acquired compulsorily for building purposes shall be the fair price without the additional ten per cent.—Defeated by 161 to 78.

(3) Mr. Hazell's amendment to allow loans raised for buying land, to be repaid by instalments spread over 100 years, and loans raised for building by instalments spread over seventy years.—Defeated by 141 to 69.

(4) Sir Walter Foster's amendment to allow an acre of garden land, if desired, to be attached to cottages built in villages instead of only half an acre.—Defeated by 130 to 80.

## 1900–1903.

On February 13th, 1901, Mr. Long told a deputation of working men that "this question of the Housing of the Working Classes is more pressing and more important than most of the social problems with which we are confronted." When, however, a month later (March 8th), Lord Portsmouth raised the question in the House of Lords, Lord Salisbury said that the Government could do nothing—"two things are necessary: one is time and the other information." This exceedingly helpful information was the Government's record to the solution of the question for 1901.

In 1902 the question was raised on the Address, when Mr. Long was (on January 17th) induced to promise to appoint a Parliamentary Committee (which he did) to consider the length of the period for the repayment of loans contracted for housing purposes. This Committee reported in favour of extending the period from 60 to 100 years.

In 1903 an interesting and significant debate took place on Dr. Macnamara's amendment to the Address (on February 18th), opinion on both sides of the House being practically unanimous in regretting that the King's Speech contained no promise of legislation. Mr. Claude Hay, the Tory member for Hoxton, for instance, said :—

"Hon. members, upon whatever side of the House they sat, had reason to complain of his Majesty's Government in respect of their attitude on this question. That complaint was not confined to the lack of promises of legislation, but extended to the administration of the law as it stood at present. The Local Government Board did not act as a stimulus either to local authorities or to any other parties concerned in the administration of the Public Health Acts and the Housing Acts, nor was the experience which was gained of housing schemes in one quarter utilised in another."—(*House of Commons, February 18th*, 1903.)

Mr. Long had, in fact, to promise "to introduce some modest proposals," including one as to the extension of the term of the repayment of loans. It was freely admitted that the Small Houses Act of 1899 and the Housing Act of 1900 had practically done next to nothing, Sir John Gorst saying :—

"The two measures which had been mentioned by the hon. member for Camberwell had not been very effective. He had no doubt they were promoted and carried through with the very best motives. But in all these matters there must be a good deal of experimental legislation, and he did not think it was anything derogatory to the Government to admit that they had made the attempt and that it had not proved a success. That was no detriment to the Government provided they proceeded to try again; and he hoped that even now, although the question was not mentioned in the King's Speech, they would receive an assurance from the Government that during the present Session this matter would be dealt with."—(*House of Commons, February 18th*, 1903.)

## THE ACT OF 1903.

The Bill promised by Mr. Long was introduced in July and became law before the end of the Session. The following is a summary of its principal provisions :—

The period of repayment of loans is extended from sixty to eighty years, a discretion being reserved to the Local Government Board as to particular cases. The period of eighty years to apply to loans for the purchase of freehold land, but a shorter period, according to the discretion of the Department, to be applied to loans for buildings.

By Order in Council are to be transferred to the Local Government Board the duties which are under the present law divided between the Home Office and the Local Government Board. Where rehousing obligations are cast upon local authorities or individual owners, the Standing Orders which now have to be inserted in each individual Bill are made applicable to all cases under the Housing Acts. The central authority is empowered to act where the local authority fails to move when a recommendation has been made by the medical officer of health. If an order proposes to take land by compulsion and no owner concerned objects, that order is to have the effect of a Provisional Order or Act of Parliament without any further procedure. But if there is any objection, the order is to follow the ordinary course of a Provisional Order Bill and to receive the assent of Parliament. The Local Government Board is also invested with power to modify schemes presented by local authorities. Up to now the Department possessed no such power, and the absence of it frequently tended to great delay and difficulties.

The powers with regard to closing orders are strengthened, and the difficulties which now exist with reference to cases of demolition of condemned buildings are dealt with. Up to now the cost of the demolition of condemned buildings sometimes made it impossible for a local authority to proceed in the matter, and the local authority is now given the power to recover from the owner the excess of cost after the sale of materials as they would recover a civil debt. The local authority is also placed in the position of a landlord in cases of condemned buildings or buildings taken over by the local authority. The absence from the local authority of the powers of a landlord to eject has often proved a serious difficulty at present, and the Act invests it with these powers of eviction. Power is also given under the Act to local authorities to provide shops as a part of the provision of dwelling or lodging accommodation.

CHAPTER X.

# THE EXCLUSION OF ALIENS.

## I.—THE TORY PROMISE.

"I say that every trade in the country, every workman, directly or indirectly, is interested in this matter. I hold that the Government ought to take powers—the extent to which they put these powers in force is a matter for subsequent consideration. Every foreign Government, or almost every foreign Government, has done so; and, mark this, that if the practice of these foreign countries become more stringent, we may have what is already an evil until England will really be the dumping ground of Europe. We might as well in that case advertise that 'Pauper labour may be shot here.' Well, I quite appreciate the sentiment which has led many people to deprecate the refusal of hospitality to these poor people, who no doubt are deserving of compassion; but, after all, our greatest duty is at home, and when our household becomes so large as it is becoming at present, I think that we have no room for guests, especially when they are rather of an undesirable character, and I will go further and say that it is no kindness to these people themselves to induce them to bring their poverty and their labour to these shores, where there is no market for it, and where they can only live by destroying the livelihood of some of our own people."

**Mr. Chamberlain's** Social Programme Speech, BIRMINGHAM, *October 11th*, 1894.

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"We shall attempt to deal with that immigration of destitute aliens, very often of an undesirable character, who now flood certain industries in this city, and interfere with and destroy employment which otherwise would be given to our own people."

**Mr. Chamberlain** at NORTH LAMBETH, General Election, 1895 (*July 6th*).

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"8. The exclusion of pauper aliens."

**Mr. Balfour's** EAST MANCHESTER Election Card, General Election, 1895.

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"The immigration of pauper aliens . . . (*is*) a question of pressing importance."

**Mr. Ritchie,** 1895 Election Address at CROYDON.

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"Measures dealing with . . . the unfair competition caused by the importation of pauper aliens . . . will command our warm sympathy and support."

**Mr. Walter Long,** 1895 Election Address at LIVERPOOL (WEST DERBY).

"The landing on our shores of foreign workmen will be checked."

**Mr. Powell Williams, M.P.** (late Parliamentary Secretary, War Office), 1895 Election Address in SOUTH BIRMINGHAM.

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"I have good reason to believe that the Unionist Government will devote its attention to . . . restriction on the immigration of foreign paupers."

**Mr. J. C. Hozier** (Tory M.P.), 1895 Election Address in SOUTH LANARK.

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"Amongst others the following question presses for solution . . . the prevention of the wholesale importation of foreign paupers."

**Sir A. Hickman** (Tory M.P.), 1895 Election Address at WEST WOLVERHAMPTON.

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"To show how little sympathy they (*Lord Rosebery's Government*) felt for the working classes, they have refused to check the large immigration of aliens into this country."

**Mr. D. H. Coghill** (Tory M.P.), 1895 Election Address at STOKE-UPON-TRENT.

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"I pledge myself to support . . . mending and ending the present system of foreign pauper immigration. 'English work for English homes' is my motto and let foreign countries provide for their own paupers."

**Sir W. W. Carlile** (Tory M.P.), 1895 Election Address in NORTH BUCKS.

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"The Unionist leaders have announced their intention of devoting the time of Parliament to measures which include . . . regulation of immigration of pauper aliens."

**Earl of Dalkeith** (Tory M.P.), 1895 Election Address in ROXBURGHSHIRE.

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## II.—WHAT THE TORIES HAVE DONE.

All that the Government has done to redeem this pledge is to appoint, in 1902, a Royal Commission on the subject. The following is the record year by year:—

**1896.**—Bill promised in Queen's Speech. Mr. Arnold White, a Unionist who is particularly anxious that the "importation" of aliens should be put a stop to, wrote to Lord Salisbury in March, 1896, to ask "if the rumour were true that no one in the Government really cared about the question, and that it was merely utilised as a means of obtaining electoral support at the polls last July." Here is Lord Salisbury's reply:—

"I am very anxious to pass an Alien Immigration Bill, and I believe that it would be valuable and much demanded by the working classes in

many districts. But I am assured that the position of business is so unpromising in the House of Commons that it is of very little use to bring it forward at present. I think we shall have to wait till more pressing matter is cleared away.'

It may be remembered that Lord Salisbury was pledged up to the hilt in the matter, since in 1894 he attempted to get a Bill passed to exclude not only pauper but also political aliens.

**1897.**—Mr. Lowles, an East End Tory member, moved an amendment to the Address. Mr. Ritchie admitted the Government pledge and was profuse in his promises of future performance :—

"He could assure his hon. friend that the Government was quite alive to the evils which existed in the district where those people settled down, and he quite understood that the working classes felt very keenly on this subject. *The demand for legislation was great.* . . . The Government did not desire to depart one iota from the pledges they had given. . . . The Government adhered to every pledge they had given, and hoped at no distant time to propose to Parliament legislation in the direction desired."—(*House of Commons, February 9th*, 1897.)

**1898.**—The Queen's Speech was again silent on the subject, but the Earl of Hardwicke came to the rescue of the Government by introducing a Bill in the House of Lords. The Bill was supported by the Government and consequently read a second time, but the case made out for it by its supporters was ludicrously inadequate. The Earl of Hardwicke explained that "pauper" aliens ought to be excluded because they were in the habit of paying a higher rent than our own working people! He gave some figures with regard to aliens, but did not in any way deal with "pauper" aliens. Lord Salisbury took his favourite ground—that of saving the rates :—

"The rates are hard enough as it is. I know no more helpless, no more pathetic figure in our present community than the English ratepayer. Boards have been called into existence whose chief duty appears to be to pile new burdens on his shoulders, and his inability to combine is so great that he is at the mercy of every spoiler. The rates are rising and rising, and many philanthropic members of the community think there is no better way in which they can spend their time than by discovering new modes by which new rates can be laid upon him. I wish, at all events, to save him from a burden which he ought not to bear. He ought not to bear destitution which has its origin in foreign lands, and which is due to the social and political government of those lands."—(*House of Lords, May 23rd*, 1898.)

Of course some of the aliens come on to the rates, since they are nearly all of the working class, but no evidence was produced to show that a larger percentage of aliens are rate-supported than of English folk. The Bill passed the House of Lords, but it was never heard of again and nothing was done.

**1899.**—*Nil.*

**1900.**—No reference in the Queen's Speech. Confronted by Sir Howard Vincent, who demanded the reason why no legislation had been introduced to exclude aliens, Mr. Ritchie said :—

"The reason is that the House has been engaged in other business."—(*House of Commons, July* 8th, 1900.)

What could be more convincing? You entrust your solicitor with a certain sum of money for investment. Later on you come and ask him why he has not invested it in your name. "The reason," he replies, "is that the money has been spent in other ways."

**1901.**—*Nil.*

**1902.**—No reference in the King's Speech. On January 28th Major Evans-Gordon, the Tory member for Stepney, moved an amendment to the Address, in the course of which Mr. Gerald Balfour said a "further inquiry into the facts" was necessary—inquiry in 1902 in a matter in which definite pledge was made in 1895! In March, 1902, a Royal Commission was accordingly appointed of the following members:—

Lord James of Hereford (Chairman).
Lord Rothschild.
Hon. Alfred Lyttelton, K.C., M.P.
Sir Kenelm Digby (Under-Secretary of State for the Home Department).
Major W. E. Evans-Gordon, M.P.
Mr. Henry Norman, M.P.
Mr. William Vallance (late Clerk of the Guardians at Whitechapel).

The terms of reference were as follows:—

"To inquire and report upon:—

"(1) The character and extent of the evils which are attributed to the unrestricted immigration of aliens, especially in the metropolis.

"(2) The measures which have been adopted for the restriction and control of alien immigration in foreign countries and in British colonies."

## THE ROYAL COMMISSION REPORT.

The above Commission reported in August, 1903.

The Commissioners state that the number of alien immigrants who have during the last 20 years entered the country is much in excess of those who had in previous years reached us.

The Commissioners do not think that any case has been established for the total exclusion of such aliens, and it would certainly be undesirable to throw any unnecessary difficulties in the way of the entrance of foreigners generally into this country. But they hold that in respect of certain classes of immigrants, especially those arriving from Eastern Europe, it is necessary in the interests of the State generally, and of certain localities in particular, that the entrance of such immigrants into this country and their right of residence here should be placed under conditions and regulations coming within that right of interference which every country possesses to control the entrance of foreigners into it.

But the Commissioners think that the greatest evils produced by the presence of the alien immigrants here are the overcrowding caused by them in certain districts of London, and the consequent displacement of native population. They hold that special regulations should be made for the purpose of preventing aliens at their own will choosing their residence within districts already so overcrowded that any addition to dwellers within them must produce most injurious results.

The Commissioners are further of opinion that efforts should be made to rid this country of the presence of alien criminals and other objectionable characters.

### Recommendations.

The following are the principal recommendations made:—

1. That the immigration of certain classes of aliens into this country be subjected to State control and regulation to the extent hereinafter mentioned.

2. That a Department of Immigration be established—either in connection with the Board of Trade and Local Government Board or of an independent character.

3. That improved methods be employed to secure correct statistical returns relating to alien immigratien.

The Immigration Department to have the power of making and enforcing orders and regulations, which may be made applicable to immigration generally, or to vessels arriving at or from certain ports, or to certain classes of immigrants.

Power should be conferred upon the officers of the Department to make such inquiry as may be possible from the immigrants upon their arrival as to their character and condition, and, if such officer shall have reason to think that any immigrant comes within any of the classes mentioned as "undesirables"—viz., criminals, prostitutes, idiots, lunatics, persons of notoriously bad character or likely to become a charge upon public funds, he shall report the case with such particulars as he can give to the Immigration Department.

Any alien immigrant who, within two years of his arrival in this country, is found to be an undesirable or shall become a charge upon public funds, except from ill-health, or shall have no visible or probable means of support, may be ordered by a Court of summary jurisdiction to leave this country, and the owner of the vessel on which such immigrant was brought to this country may be ordered to reconvey him to the port of embarkation.

### *Overcrowding.*

That every effort should be made to enforce with greater efficiency the existing law dealing with overcrowding, and that increased power should be obtained for certain purposes, especially with the object of bringing all dwellings within specified areas under the operation of the by-laws made under the powers of the Public Health Act.

If it be found that the immigration of aliens into any area has substantially contributed to any overcrowding, and that it is expedient that no further newly-arrived aliens should become residents in such area, the same may be declared to be a prohibited area, and immigrants to be informed thereof at their port of debarkation.

All alien immigrants (not trans-migrants) coming from and arriving at certain ports to be registered.

If within two years after an area is declared to be prohibited any alien who has arrived in this country after such declaration shall be found resident within such area he shall be removed therefrom, and shall be guilty of an offence.

Upon conviction of any felony or misdemeanour, upon indictment, the Judge may direct as part of the sentence that the alien convicted shall leave the country. If such direction be disobeyed, the alien may, on summary conviction, be punished as a rogue and vagabond.

That further statutory powers should be obtained for regulating the accommodation upon and condition of foreign immigrant passenger ships.

## Minority Reports.

Dissenting memoranda, signed by Sir Kenelm Digby and Lord Rothschild, are appended to the Report.

(*a*) Sir Kenelm Digby is of opinion that further consideration of what steps are practicable is required. He thinks that a distinction should be drawn between the cases of persons mentally or physically unfit, a condition which is more or less capable of being ascertained on board ship or at the port of arrival, and persons of criminal or bad character where the facts are less easily ascertainable. He regards as futile any attempt to find a remedy for the evil entailed by the last class. He says :—

"It appears to me, therefore, that the true conclusions to be drawn from the evidence are : (1) That in the East-end of London the powers given by the Legislature have never yet been fully exercised ; (2) that, if they were exercised to an extent which is reasonably possible there is no reason why, notwithstanding the influx, overcrowding should not be brought under effective control ; (3) that by a thorough and uniform administration of the existing law the object aimed at in the recommendation of preventing newly-arrived aliens adding to the overcrowding conditions of a district already full would be attained more effectively than by the method suggested of declaring certain areas to be prohibited. There would be the additional advantage that no novel or expensive machinery would be required beyond, what appears necessary, some addition to the number of inspectors. I also think there are not sufficient reasons for the establishment of a separate department of immigration. It is found that the main evil to be remedied is of a local character, and it might, in my opinion, be dealt with by the existing public departments."

(*b*) Lord Rothschild adds the following memorandum :—

"In signing the report of the Commission, I desire to say that I entirely concur with the reservations so ably expressed by Sir Kenelm Digby, with regard to the proposed prohibition. I think it right to add that in my opinion the proposal to proscribe any area as overcrowded involves much larger issues than does the mere fact that alien immigrants contribute to its overcrowding. Such a policy would have very far-reaching effects, one of which would certainly be a discouragement to local authorities to solve by the erection of superior buildings the all-important housing question. In the report of the Commission stress is laid upon the inaccuracy of the census returns, more especially those relating to the East-end of London. I would point out that, though the particular care which was given to their compilation at the recent census would justify a reliance upon their accuracy, other sources of information in respect to the number of English and alien Jews now resident in the administrative County of London exist. Calculations derived on the one hand from the birth and death rates, and on the other from statistics provided by the Board of Trade, prove incontestably that very many 'not stated to be *en route*' proceed to America or elsewhere across the sea ; while some undoubtedly settle within the provinces. They show that the native and alien Jewish population in London does not exceed 110,000 souls. I am opposed to the adoption of restrictive measures, because, even if they are directly aimed at the so-called 'undesirables,' they would certainly affect deserving and hard-working men, whose impecunious position on their arrival would be no criterion of their incapacity to attain to independence. The undoubted evil of overcrowding can, in my opinion, be remedied by less drastic measures."

CHAPTER XI.

# SHORTER HOURS IN SHOPS.

## I.—THE TORY PROMISE.

"There is, however, one other experiment which can be tried, I believe, with even less risk than an experiment in the mining industry : I refer to the shortening of the hours of shopkeepers and their assistants. As you know, they work longer hours than any other class in the community. I believe that there is some misapprehension as to what I have proposed in reference to this matter ; therefore I repeat to you that all I desire is to give power to a two-thirds majority of shopkeepers in any given trade and in any given district to settle the hours during which they will work. Now, that could not injure anybody. That is not open to the objection which may be taken to many proposals of this kind, that it would lessen the trade. People must buy their goods, and they will buy just as many goods in ten hours as they do now in twelve, fourteen, or fifteen. All that would be necessary would be that the buyers, the consumers, should arrange their hours of shopping. I believe they would be willing to do it, but I should have no objection, in order to give them further protection, to allow the Town Council in all these cases to have a veto upon the proposal if they thought it would lead to much inconvenience to the general community. I say that with all these safeguards it is absolutely impossible that any harm could result from the trial of this experiment, while I do hold that it is a great injustice that a reform of this kind, which would bring great advantages to many most deserving people, should be prevented by the selfishness of a very small minority, or perhaps it may be of a single individual."

**Mr. Chamberlain,** "Social Programme" Speech, BIRMINGHAM, 1894 (*October 11th*).

"I am confident that social reforms such as . . . the shortening of the hours of employment in shops will commend themselves to popular sentiment and enlightened statesmanship."

**Mr. H. T. Anstruther, M.P.** (ex-Liberal Unionist Whip), 1895 Election Address in ST. ANDREWS BURGHS.

## II.—WHAT THE TORIES HAVE DONE.

Here there is a pledge made by Mr. Chamberlain, and included in a programme which formed part of the stock-in-trade of every Unionist candidate in 1895—a party pledge by which a party Ministry must perforce be bound. Yet it is a pledge which the Government has done

nothing to redeem, which, in fact, the Government explicitly decline to redeem. For on December 1st, 1897, a deputation of the Early Closing Association waited upon Sir M. W. (now Lord) Ridley, then Home Secretary, asking support for a Bill designed to secure shorter hours for shop assistants. Lord Avebury (then Sir John Lubbock), who introduced the deputation, thus described the Bill:—

"The provisions of the Bill, which in 1896 was read a second time without opposition, were, briefly, that if two-thirds of the shopkeepers of any district or of any trade memorialised the local authority as to the hours of closing, or as to a weekly half-holiday, the local authority should have power to give effect to their wishes. It was, in fact, the shopkeeper's own Bill. There was no question of setting employers against employed, for the shopkeepers deplored the present position, and begged Parliament to give them the power to put an end to these long hours. That the small shopkeepers and shop-assistants should be, as thousands now were, working fourteen hours a day and longer on Saturday was a grievous thing even in the case of men, and in the case of women it was intolerable. He urged that the Government should take up this question, and he believed no other measure which they could carry would confer such an inestimable boon on the population."—(*Home Office, December 1st*, 1897.)

It will be noticed that the Bill exactly carries out the proposal made by Mr. Chamberlain in 1894. Yet the Tory Home Secretary said:—

"On the whole, he did not think he was prepared to advise his colleagues to take up this question. *He did not know what were the views of his colleagues*, and he was speaking entirely for himself; but he confessed he did not think it was likely that the Government would take up the question this next Session, at all events. Whether the Government would be prepared to support a Bill brought in by Sir J. Lubbock on the lines previously laid down he was not prepared to say. For his own part he should view such a support with considerable hesitation. He did not disguise from the deputation that he believed more in voluntary action on the part of various associations, and he thought that more had already been achieved by voluntary effort than the deputation were ready to give credit for. . . . He was anxious to study the question in all its bearings, but he told them frankly he was not a believer in this legislation at the present moment."—(*Home Office, December 1st*, 1897.)

As a fact the Government has fulfilled Sir Matthew White-Ridley's prediction, and has done nothing in the matter. On May 21st, 1900, Lord Avebury moved in the Lords the second reading of his Bill—it was rejected at the instance of Lord Salisbury, who spoke and voted against it. In February, 1901, Lord Avebury moved for and obtained a Select Committee of the Lords (of which Lord Salisbury was a member). This Committee in June, 1901, (1) reported that "earlier closing would be an immense boon to the shopkeeping community, to shopkeepers and shop assistants alike, and that the present hours are grievously injurious to health, especially in the case of women," and (2) recommended "that town councils should be authorised to pass provisional orders making such regulations in respect to the closing of shops as may seem to them to be necessary for the areas under their jurisdiction, and these provisional orders should be submitted to Parliament in the usual manner before acquiring the force of law;

special enactments for restraining the outlay involved and providing for its discharge may be necessary." This recommendation was moved by Lord Salisbury himself, and Lord Avebury, in re-introducing his Bill in the Lords in February, 1902, expressly agreed to assent to its amendment so as to carry out Lord Salisbury's provisional order scheme. Lord Salisbury was unfortunately not present, but the Government declined to allow the Bill to be read a second time, and refused to give any promise of legislation. Lord Rosebery asked whether, since Lord Salisbury was himself responsible for the provisional order paragraph in the Select Committee's report, the Government would themselves legislate on those lines. Here is the Duke of Devonshire's reply :—

"He was under the impression that in one, at least, of his recent speeches the noble earl (*Rosebery*) expressed a great deal of doubt whether the Government would make effectual progress with the legislation they had promised; it was, therefore, with surprise he heard the suggestion that another Bill should be added to those promised, a Bill they had not the intention of bringing forward."—(*House of Lords, February 18th*, 1902.)

In 1903 two Bills were introduced in the Lords — one by Lord Ribblesdale, one by Lord Avebury. When the former came to be moved the Lord Chancellor actually moved the adjournment of the debate, as he thought Lord Avebury, who had given so much attention to the subject, should be allowed to take precedence with his Bill. This was carried by two votes (35 to 33) and Lord Avebury then moved the second reading of his Bill. At last the Government consented to let it pass, and it was read a second time without a division. Eventually the Bill was read a third time on April 28th and sent to the Commons, where it was read a first time—and never heard of again!

CHAPTER XII.

# LONDON.

The political position in the Metropolis during the last fourteen years has been remarkable for the wide discrepancy between the views of the electorate on Imperial matters, as evidenced by the results of Parliamentary elections, and their views on those domestic concerns which are brought under their consideration at elections of the County Council. At the General Election of 1886, Conservatives were returned in 78 per cent. of the London constituencies: in 1892 they succeeded in 61 per cent., and in 1895 and 1900 in 87 per cent. On the other hand, at the County Council election in 1889, the Moderate party won only 40 per cent. of the seats; in 1892, 29 per cent.; in 1895, 50 per cent.; in 1898, 41 per cent.; and in 1900 only 25 per cent. At the earlier elections for the Council the contests were fought on somewhat independent lines, but since then the Prime Minister and leading members of the Cabinet have openly appealed to Conservatives to support the Moderate candidates, and the machinery of the party has been made the utmost use of, although, it is true, with but little success.

Whatever may have been the cause of it, the fact remains that for fourteen years, whilst the voice of London on the County Council has been progressive, in the House of Commons it has been reactionary; and the result has been that the interests of the Metropolis have not only been disregarded, but absolutely damaged by Parliament. Supported by the knowledge that it could rely upon the submissive adherence of four-fifths of the London representatives, the Conservative Government have not hesitated to thwart the London County Council in almost every important proposal that this democratic body has brought forward, and to use their party majority to crush the aspirations of the Council towards a higher and more effective municipal existence.

In the annals of Parliament there is no precedent for the National Government interfering with legitimate municipal work to the extent to which this Government have opposed the London County Council; and the only possible explanation is that the Tory leaders are afraid of that very democracy in which they pretend to believe, and think it a safeguard against the advance of reform to check and pinion the body in which democratic progress has made itself the most apparent.

## THE GOVERNMENT AND THE METROPOLITAN WATER COMPANIES.

One of the earliest acts of the present Government was to throw its influence into the scale in favour of the London Water Companies as against the London Council.

The question of the London water supply is one of importance and complexity. Not only were the Metropolitan Water Companies established by Parliament on a peculiar basis unknown in other towns, but by the year 1889 it had become evident that their resources were totally inadequate to meet the future needs of London. In 1893 an inquiry by a Royal Commission, presided over by Lord Balfour of Burleigh, resulted in proving that London would by the year 1931 require more than double the quantity of water which the Companies were then in a position to supply. The Council thereupon resolved to purchase all the undertakings at their then fair value, and to resort to the mountains of Wales for the necessary additional supply.

Purchase Bills were accordingly introduced into Parliament in 1895, and, after having been read a second time, were referred to a Committee presided over by the Right Hon. David Plunkett (formerly a member of a Conservative Government).

The chief fight raged over the terms of purchase, the Council urging that the special position of the Metropolitan Water Companies was such as to require that the arbitrator should take cognisance of all the circumstances of the case, whilst the Companies claimed to be paid out under the Lands Clauses Act, the operations of which would have given to the shareholders a large additional compensation in respect of compulsory purchase. The Companies' claims, if successful, would have entitled them to receive out of the ratepayers' pockets a bonus of six millions beyond even the then value of the shares on the Stock Exchange. In the end the Council made good its contention, and the Bills, with certain modifications proposed by the Council, would in all probability have passed into law had not the sudden defeat of Lord Rosebery's Government in July, 1895, necessitated a dissolution of Parliament.

The Council's Water Bills were suspended, and when the new Parliament assembled the forms of the House required that they should again be submitted for second reading. On this occasion the complexion of Parliament having changed, the Water Companies, assisted by the London Tory members, succeeded in enlisting the support of the President of the Local Government Board, and on March 17th, 1896, Mr. Chaplin advised the House of Commons to reject the Council's Bills, notwithstanding that they had practically obtained the approval of a committee in the previous year. Since then this process has been repeated time after time.

Each year the Council has demanded the right that is never refused to any other municipal body, namely, that of laying its case fairly before a Committee of Parliament, and on every occasion the Government have refused this request. At the same time great facilities have been given to the Companies to strengthen their position. At the time the Council first took action the Companies were practically at the end of their resources; since then they have succeeded in obtaining no less than fifteen new Acts of Parliament, under which their powers of expending capital have been increased from fifteen millions to twenty-two millions. Nearly five millions of this capital have been granted

since the Council's Bills were rejected, with the result that the compensation payable by the ratepayers in the event of purchase will now be far in excess of that which they would have been liable to had the Council's original proposals been allowed to proceed.

At last it became impossible for the Government to continue their obstructive tactics, and in 1902 they introduced a Bill for the compulsory purchase of the water undertakings by a new Water Board, emanating chiefly from the Borough Councils, and framed on the model of the old and discredited Metropolitan Board of Works. This Bill was referred to a joint committee of Lords and Commons, consisting of seven Unionists and three Liberals. After a minute inquiry, this committee, by six votes to three, decided to strike out the representation of the boroughs, leaving the representation of London in the hands of the County Council alone. But this was far too dangerous to the Water Companies, and accordingly Mr. Walter Long, President of the Board of Trade, and formerly a director of the East London Water Company, interposed his authority, and compelled the committee to reconsider this decision. The committee divided again. This time five voted on each side, and the Chairman ruled that this left the Bill in its original form, notwithstanding the former vote of a majority to alter it. The Bill was then postponed till the Autumn Session, and at the fag end of the sittings, in December, 1902, it was forced through Parliament without any proper discussion being allowed. Thus an unworkable and inefficient Board was established to carry out an arbitration of enormous complexity and magnitude, with no experience, no officers, and no means of fighting the ratepayers' battle properly. The inevitable result will be that the Companies will receive payment far in excess of that which they would have obtained under the proposals of the County Council, and far above anything representing their real value. No better proof can be given of the value to the Companies of Mr. Long's policy than is afforded by a study of the Stock Exchange quotations for shares in the Water Companies during the last two years. There have been three remarkable rises in these quotations. First, when it was known that the Government would introduce a Bill; secondly, when the Bill passed into law; and, thirdly, when the Water Board was constituted and turned out to be a body upon which the Moderate party largely predominated. As examples of this it may be stated that the East London Water Companies' stock rose from 212 in June, 1901, to 235 in December, when the Bill passed, and to 248 since the Board has been established. The Southwark and Vauxhall Water Company's stock rose from 190 to 211 between June and December, and after the constitution of the Board to the remarkable figure of 279. A similar upward movement has held good with all the other Companies, showing how highly the Stock Exchange estimates the terms which have been given to the Water Companies by the Tory Government, and how little they expect the case of the public to be properly fought by the heterogeneous and incapable Board which has been established.

The Tory Government were elected in order to take care of their

friends, and well have they looked after the interests of the London Water Lords!

## THE ATTACK UPON THE LONDON COUNTY COUNCIL.

The Tories hate the County Council. It represents that power of democracy of which they are continually in fear. In setting up, in 1888, county councils all over the country, to consist of Tory squires, the then Conservative Government found it impossible to avoid dealing with the County of London, and they hoped then that the Conservatism of London, which had hitherto flourished in the Metropolitan Board of Works and in most of the vestries, would still hold its own on the new Council. In this they were disappointed, for the spirit of London freed itself with a great effort from the influence of jobbery and corruption, and returned to power a majority of Progressives, able, honest and enthusiastic, by whom the public work of the Metropolis has now been carried on for ten years, and in whom the people have since renewed their confidence in four successive elections.

The reform of London Government was, however, only partially effected in 1888, the vestries remaining untouched; but it was announced that the Government intended, in a subsequent session, to deal with this branch of the subject, and Mr. Ritchie declared that the intention of the Government at that time was "not to proceed upon the lines of separate municipalities," but "to establish District Councils."

This announcement was, however, made by a Minister having far greater sympathy with the democratic movement of the age than have the majority of his own party, and no sooner had the County Council been constituted and had demonstrated what a forcible engine of progress had been set up than its own creators forthwith set to work to demolish it.

A society was formed for the purpose of substituting for the County Council separate municipal bodies for different districts in London. It was very largely supported by leading Conservatives, and immediately after the election of 1895 it started an active agitation against the County Council.

This agitation culminated in a violent attack upon the Council on the occasion of the election in March, 1898, when the leaders of the Tory party actively intervened in the contest in support of the Moderate candidates. Lord Salisbury himself distinctly invited the Conservatives of London to vote for the Moderate candidates in order that when elected they might adopt a "course" of "patriotic" and "enlightened" "suicide." London replied to this menace by returning an overwhelming majority of Progressives, and the open policy of destruction was no longer practicable.

But the Corporation of the City and the London Tory members pressed for the introduction of some measure to cripple the aspirations of the Progressive County Council, and in 1899 a Bill was introduced for establishing Metropolitan Borough Councils, to whom it was pro-

posed to transfer many of the powers hitherto exercised by the County Council. Thanks to the Liberal Opposition in Parliament, the Bill was greatly altered, and its most objectionable features got rid of before it became law. The Act has, however, proved to be of very doubtful benefit to London, the majority of the Borough Councils having turned out to be more reactionary and more opposed to progress than even the old vestries were in earlier days.

These characteristics have, however, earned for the Borough Councils the admiration and devotion of the Tory party, and since 1899 every attempt has been made by the Government to force them to the front, and to place them in opposition to the County Council. The establishment of Mr. Long's Water Board, already referred to, was the first step taken in this direction, and this body fully justified the intentions of its creators, for when the members had all been appointed, it appeared that the Tories had a majority of three to one over the Progressives. When it is borne in mind that on every occasion upon which the London ratepayers themselves have been consulted on the water question they have given their confidence to the Progressive party, it is clear that the institution of this new Water Board is nothing less than an ingenious method of gerrymandering the appointment of a public body in the interests of the water shareholders.

## THE EDUCATION ACT, 1903.

Fired with their successful manipulation of the London Water Question, the Government, in the following year, tried to gerrymander their own party into a position of authority over the administration of public education. By the Education Act of 1902, Parliament had made the county councils responsible for education in England and Wales; but London was left out of that measure, in order that it should be dealt with specially in the next Session. When the London Bill was produced, it appeared that the antagonism of the Government to the London County Council had operated to such an extent that they had abandoned the principle upon which they had acted in every other county, and had devised an Education Committee, similar in construction to the Water Board, between which and the Borough Councils the administration of the schools was to be divided. This outrageous and unworkable project was, however, too absurd even for a servile Parliamentary majority to swallow, and during the debates in Committee, the Government had to beat a hasty retreat by throwing over the Borough Councils altogether, and simply applying the Act of 1902 to the London area.

But even with this improvement (if it can be called an improvement) the people of London have good ground for complaining of the action of the Government. In the first place, the Bill of 1902, if intended to be applied in principle to London, ought to have included London. By its exclusion London was practically debarred in 1902 from contesting the educational proposals of that year. And yet there is no place in which the principles of the Government's educational

policy are more repugnant to the voters than they are in London. The London School Board has done magnificent work during thirty years of stress and difficulty. and London as a whole bitterly resents the destruction of that useful body. So far as religious instruction is concerned, London has on several occasions declared herself as fully satisfied with the course of Bible teaching adopted by the School Board and has had no wish to maintain denominational schools at the expense of the rates. And yet by the subtle device of the Government the real opposition of London could not be evoked until it was too late to contest effectively a principle that had already been forced upon the rest of the country. Londoners, however, cannot rest under the injustice to which they have been subjected. By one means or another they will resist the establishment of sectarian supremacy over schools maintained at their expense and freed from their control. The battle for popular rights over popular education has only just begun, and there can be little doubt that London will not be backward in asserting herself in a matter of supreme importance both to her present and future population.

## THE PORT OF LONDON.

The latest exhibition of the anti-municipal views of the Tory party in London has been apparent in the method of dealing with the important subject of the Port of London. The condition of the Port and Dock accommodation has long constituted a serious menace to the whole trade of the Metropolis. Nothing has been done to make the waterway suitable for modern ships, or to improve the antiquated methods followed by the dock companies, and it was not until the institution of the London County Council that any serious attempt was made to deal with this great question. In 1892 that body pressed upon Parliament the need for a reform in the Thames Conservancy; but in this it met with only partial success. At the same time it urged strongly that inquiry should be made into the adequacy of the Thames for the admission of large vessels. This inquiry was granted, and resulted in a recommendation that the Conservancy should forthwith proceed to deepen the channel. The Conservancy, however, took no steps in this direction, although pressed to do so by the representatives of the County Council, and accordingly the Council instituted an inquiry of its own into the whole question of the administration of the Port, and in 1900 approached the President of the Board of Trade with an urgent request for a Royal Commission to be appointed to investigate and report upon this subject. A Royal Commission was accordingly appointed, and its report was an absolute condemnation of the existing system and fully justified the action of the County Council. It recommended the abolition of the Thames Conservancy so far as affected the port, and the establishment of a Port Trust consisting of forty members, of whom eleven should be appointed by the London County Council, ten by other public bodies and nineteen by persons interested in shipping and trade. It also recommended that money borrowed by the Trust should be guaranteed by the rates of London.

In view of this last important provision it was evident that the public should be adequately represented, and that the payers of dues should not have an absolute majority. But, nevertheless, the Government, in preparing the Bill for carrying into effect the recommendations of the Royal Commission, so altered the numbers as to place the latter in a position of supremacy on the Trust, giving them twenty-six seats out of forty, and reducing the representation of the County Council to eight. This is only part and parcel of the policy of the Tory party. It distrusts and depreciates municipal work, and in London in particular has throughout striven to restrict the efforts and the energy of the democratic body which has hitherto voiced the aspirations of Londoners towards progress and reform.

## THE TORY DOLES AND THEIR EFFECT ON LONDON.

In no place has the financial legislation of the Tory Government effected greater injustice than in London. Pledged to repay their party supporters in coin of the realm, the Conservative majority first doled out a million and a quarter a year to the country landowners. Next they provided an annual subsidy of eight hundred thousand pounds to denominational education, and lastly they have allotted one hundred and ten thousand pounds a year to relieve the clergy of the Established Church from part payment of rates upon tithes.

These doles have, however, been thrown out with no regard to the question as to who would provide the money, and with little consideration, even, as to justice between the participants of this indiscriminate charity.

The system of grants from the Imperial Exchequer towards assisting local administration was very fully considered in 1888, when it was decided that an annual sum of about five million pounds should be set aside out of the Consolidated Fund and applied to this purpose. A part of this money was derived from the Probate Duty, and under the Local Government Act, 1888, this amount was directed to be divided between the various local authorities in certain carefully ascertained proportions. The proportion received by London under this enactment is about 22 per cent. of the whole, and, in the view of many persons well qualified to judge, this fraction is below that to which the Metropolis is equitably entitled. Be this as it may, even this low figure has been absolutely abandoned by Parliament in allotting the recent Imperial subsidies. Out of £1,330,000 per annum handed over in 1896-7 in relief of rates under the Agricultural Rating Act, the Metropolis only received £3,166, or about one quarter of one per cent. This result is, of course, not unnatural, seeing that the object of the Government was to subsidise the country at the expense of the towns; but with regard to the contributions to Voluntary schools, and to the clergy, some more equitable results might have been expected Here again, however, the same disregard for the Metropolis has been exhibited. The total relief given to educational authorities under the Voluntary

Schools Act in the year 1901 was £860,000, and of this the London schools received only £48,000, or 5½ per cent. of the whole. Similarly under the Clerical Tithes Relief Act, 1899, a sum of about £110,000 is annually distributed to local authorities for the assistance of the parson, and of this sum only £600, or one half of one per cent., will enure to the benefit of the London clergy. And this last case of injustice to London is even more striking than the others, for the money, being taken out of the Local Taxation Account, which by the Local Government Act is subject to the rules of distribution already alluded to, the recent Act actually deprives London of no less than £24,353 which otherwise would have been paid to the County Council in relief of Metropolitan rates.

The total amount of these doles is about £2,300,000 a year, of which London receives some £52,000. If the proportion laid down in 1888 had been adhered to, London's share would be no less than £500,000, an annual subvention which would have rendered possible, without resorting to the rates, a capital expenditure of eleven millions on public improvements, artisans' dwellings, or other necessary works. It can hardly be wondered at if the County Council refrains from costly improvements when the Government of the day treats it with so great injustice.

It may be replied that the recent educational policy of the Government has tended to rectify this inequality. This is true to a certain extent. Whereas under the old Acts London received 4½ per cent. of the amounts granted for Voluntary schools, etc., under the new *regime* it will be entitled to 11¾ per cent. But the fact must not be lost sight of that, of all money raised by taxes, Londoners contribute at least 25 per cent., and thus the system of grants in aid established by the Conservatives invariably tells against London. London has been mulcted for other parts of the country because its band of 50 Tory members have not dared to stand up for their own city.

Whilst depriving the London ratepayers of their fair share of relief in the form of national subvention the Tories at the same time have put every impediment in the way of the Council in its attempts to call in aid of municipal work the ever increasing value of the land in London. After several defeats the Council in 1893 succeeded in inducing the House of Lords to assent to the principle of Betterment as applied to particular properties. Its efforts, however, to raise an owners' tax on all ground values has been hitherto successfully resisted, and it is clear that no progress is possible in this direction so long as a Conservative majority has the conduct of affairs.

In former days London led the van of Liberal and Progressive thought. Is it too much to hope that when this City realises how great has been the betrayal of its interests by a Government to which in 1895 and 1900 it gave its almost undivided support it may once more show itself in Imperial, as it has done in Municipal, politics the advocate of sound and just finance, of progress and reform?

CHAPTER XIII.

# SCOTLAND.

The evil which Scotland endures under a Conservative Government is twofold. In the first place she has not a proportionate share of the legislation of the Imperial Parliament, and in the second place—notably in the case of the last two Parliaments—what share she does receive is too often opposed to the principles, and forced against the opinions, of the bulk of her chosen representatives. Scotland, since the Reform Bill of 1832, has shown herself—notwithstanding the appearances seemingly against her at the "Khaki election"—a consistently Liberal country. In 1892 she sent to Westminster 50 Liberal as against 22 Conservative and Unionist members. Even after the generally disastrous election of 1895 she was able to return a Liberal majority—which at subsequent by-elections was increased to twelve. At the General Election of 1900, 38 Unionist and 34 Liberal members were returned for Scotland, the Liberal party in Scotland being thus, for the first time since 1832, in a minority. Notwithstanding one or two by-elections since 1900, the balance of parties still remains so. This condition of things emphasises the misfortune of Scottish legislation being left to the mercy of such a Conservative majority as it has to contend with in the Imperial Parliament and "constitutes a strong claim for some effective form of separate treatment."*

## EFFECTIVE REPRESENTATION OF SCOTTISH OPINION.

Frequent proposals have, indeed, been made in Parliament with the object of dealing with this anomaly, but none of these came to anything definite until, on April 2nd, 1894, Sir George Trevelyan brought before the House of Commons a motion for the appointment of a Scottish Standing Committee (similar to what had been suggested in previous proposals) to which purely Scottish measures should be referred, the Committee to consist of all the Scottish members, together with fifteen other members to be nominated by the Committee of Selection. Besides relieving the labours of the Imperial Parliament, this arrangement (as was pointed out by Sir George) "would enable good measures to be carried which most Scotsmen—in some cases almost all Scotsmen—desired, and for which, under the existing system, no time could be found." After five days' discussion (on April 2nd, 5th, 17th, 20th, and 27th, 1894) the resolution was carried—in an amended form—the amendments being that Bills sent

* Mr. Morley at Bervie, February 6th, 1896.

to be discussed in this Grand Committee should only be those introduced by Ministers of the Crown, and that in the appointment of the fifteen members to be added to the Committee over and above the Scottish representatives, regard should be had to the desirability of approximating the balance of parties to that of the whole House. The first use to which this Committee was put was the discussion of the Scottish Parish Councils Bill, introduced to the House of Commons by Sir George Trevelyan on April 27th, 1894, and sent to the Scottish Grand Committee on the 31st of the following month, whence the Bill emerged, in the language of Sir George, "a Bill which represented the real opinion of Scottish members upon Scottish interests." A motion for the re-appointment of this Committee was, in the following year (on May 23rd, 1895), made in the House of Commons and carried, but the Committee has never again been put to such admirable uses. Note the case of the Scottish Licensing Bill (see below, page 192).

## LIBERAL LEGISLATION PRIOR TO 1895.

In the Session prior to the General Election of 1895, Scotland obtained from a Liberal Government, amongst a number of minor Acts, at least two Acts of considerable importance. One of these was the Fatal Accidents Enquiry (Scotland) Act, the other the Sea Fisheries Regulation (Scotland) Act.

The first-named Act is an important measure for the working classes of Scotland. It is in a sense a guarantee for the maintenance of fairly safe conditions of working, and consequent protection from serious injury, to a workman, in a country where there is no coroner's inquest such as there is in England. It makes provision for a public enquiry by a sheriff and jury, in cases of death resulting from accidents incurred in the course of any industrial employment. The jury is composed of five common and two special jurors, and it may return a verdict by a majority. The jurors are remunerated by the Crown, at the rate of 5s. each per day, and have their travelling expenses paid. The relatives of the deceased may be represented by counsel or agents.

The Sea Fisheries Regulation Act provides for the constitution of a Fishery Board on a thoroughly representative basis. Four of the seven members of which it now consists are representatives of the sea fishery interest in Scotland. The Scottish Secretary is authorised by the Act to appoint a scientific Superintendent of Fisheries, who is to be paid by the Treasury. He is further empowered to create a sea fisheries district, following upon any application by a County Council or a Town Council, and to provide for the constitution of a Fishery Committee within that district, the members of which are to be elected by all persons included in the expression (used in the Act) "Fishery Interests." This Committee is (subject to the control of the Fishery Board) empowered to make by-laws for the regulation of the fisheries under their care. Powers for the protection of fisheries and for the imposition of penalties are also, by the Act, conferred upon the Board.

Thus far a Liberal Government recognised the right of Scotland not only to a fair quantity, but also to a proper quality of the legislation demanded for her through the majority of her representatives in the House of Commons.

## TORY PROMISE AND PERFORMANCE.

It is apparent from the Unionist literature at the General Election of 1895 that the heads of that party could not be ignorant of this evil from which Scotland suffers, for, of the fifteen articles on the Unionist programme as printed in Mr. A. J. Balfour's famous election card, the only measures mentioned which particularly affected Scotland were "Public Works on the West Coast" and "The Local Management of Private Bill Legislation." The remedy suggested was not a heroic one, and the manner of carrying out the promises has proved even less heroic.

In the Queen's Speech presented to Parliament on February 11th, 1896, no mention was made of these Scottish measures, and no such measures were forthcoming that Session. Indeed, as Lord Tweedmouth remarked in the House of Lords on May 20th of the following year, Scotland got no legislation in 1896.

The Queen's Speech at the beginning of the Session of 1897 contained a promise of Private Bill Legislation for Scotland "if time sufficed." A Bill was in that Session introduced in the House of Lords, and on May 20th, 1897, read a second time. Of this Bill Lord Tweedmouth said on that occasion, he could hardly believe that when the paragraph on the point was inserted in the Queen's Speech the Bill had been in the minds of Ministers, because "this measure did not attempt to deal with Private Bill legislation affecting Scotland as a whole, it merely nibbled one corner of the subject." This Bill, on July 22nd of that year (1897), reached Committee—and remained there.

The Queen's Speech in the Session of 1898 contained a promise to introduce a measure for cheapening and improving the procedure of Scottish Private Bill Legislation, which, it remarks, "has been before Parliament on many previous occasions." A Bill *was* introduced by the Lord Advocate for Scotland, and read a first time on March 7th, 1898. On the 31st of the same month there was a debate on the second reading. Mr. Courtney (an English Unionist member) on that occasion referred to the future of the Bill, and spoke of "seeing what could be done by the House—what could be made of this first draft, this necessarily sketchy proposal, something which would be useful and tend to remove the grave evils of which he was conscious, and which he earnestly desired some steps should be taken for the removal of." On April 4th the Bill passed its second reading without a division. On that occasion Mr. A. J. Balfour said: "I am afraid that the conclusions to which we have been driven by the Scottish representatives on both sides of the House may end in preventing the Bill becoming law in the course of the present Session." The Bill was on June 9th referred to a Select Committee of the House, and ended

its career on July 26th, according to Mr. Balfour's forecast, by being withdrawn.

In the Queen's Speech of Session 1899 the statement was again made that provision for simplifying the process of Private Bill legislation for Scotland would be brought before Parliament, and in that Session a Bill was at last introduced *and passed*. This Bill was read in the House of Commons a second time on March 27th; was considered in Committee on June 12th, 19th and 20th; passed its first reading in the House of Lords on July 25th; on August 1st and 3rd passed the Committee and report stages, and on August 9th received the Royal Assent.

## THE SCOTTISH PRIVATE BILL PROCEDURE ACT OF 1899.

The main provisions of the Act, the short title of which is the Private Legislation Procedure (Scotland) Act, 1899, are shortly these: Any authority or person desirous of obtaining Parliamentary powers affecting public or private interests may petition the Secretary for Scotland, asking him to issue a Provisional Order in terms of a draft Order submitted to him. The petitioner must first have given by public advertisement the requisite notice to those concerned, such as owners of property, tenants, etc. If the matter relates wholly or mainly to Scotland, and is of such a magnitude as may be conveniently dealt with by a Provisional Order, and is so reported by the Chairmen of the two Houses of Parliament, to whom the petition has to be forwarded, then the Secretary for Scotland may take the matter up and order an inquiry to be held by four Commissioners, two chosen from each House of Parliament, who are from time to time to be appointed in terms of the Act by the Chairmen of the two Houses. Besides this "Parliamentary panel" of four Commissioners, another panel, called the "extra Parliamentary panel," is to be formed under the Act. This panel, consisting of twenty persons "qualified by experience of affairs," is to be nominated by the Chairmen of the two Houses, acting jointly with the Secretary for Scotland, and is to be re-formed every five years. If the Chairmen of both Houses fail to make up the number of Commissioners required, from amongst the Parliamentary panel, then the Secretary for Scotland is to make up the deficiency by the appointment of the requisite number from the extra Parliamentary panel. The Commissioners are to hold their inquiry at such places in Scotland as they may determine, having due regard to the subject-matter of the proposed Order. Any person opposing the Order is allowed to appear before the Commissioners, either himself or by counsel or agent, and evidence may be heard by the Commissioners in support of the Order. The Commissioners, after holding their inquiry, submit their report to the Secretary for Scotland, along with the evidence taken, and they may recommend either that the Order should be issued as prayed for, or that it should be refused. If there is no opposition to the Order the Secretary for Scotland may forthwith make the Order as prayed for or with modifications. He must then

submit such Order to Parliament in a Bill to be called a Confirmation Bill, and such Bill is to be considered as if reported from Committee, and is then read a third time. This latter procedure is gone through in both Houses of Parliament, and the Bill then ranks as a public Act of Parliament.

If there is opposition to the Order, then, when the Confirmation Bill comes before either House of Parliament, any member may give notice that he intends to move that the Bill be referred to a joint Committee of both Houses of Parliament. Parties or their counsel or agents may appear before this Committee either against, or in support of, the Order. The report of this Committee is then laid before both Houses of Parliament, and, finally, the Bill read a third time in both Houses.

### DEFEATED AMENDMENTS.

The following amendments were proposed to the Bill by Scottish members:—

On June 19th, 1899, while the Bill was in Committee, Sir Charles Cameron moved that the choice of selecting the acting Commissioners should be made by the Committee of Selection of both Houses, instead of by the Chairmen and the Secretary for Scotland. This motion was defeated by 159 votes to 84.

On the following day Mr. Thomas Shaw, ex-Solicitor-General for Scotland, proposed an amendment to the clause providing for a second inquiry in London after the first inquiry in Scotland. This was defeated by 206 votes to 140.

Again, on July 4th, 1899, Mr. Shaw moved that when a Bill had passed the Commissioners it should be exempt from all the stages but report and third reading in Parliament. This was defeated by 159 votes to 114.*

## SCOTLAND AND PURELY SCOTTISH QUESTIONS.

In the Session of 1897, when the Government was busy with its English Voluntary Schools Bill, the Public Health (Scotland) Bill was introduced. At the second reading debate on April 1st of that year, a Scottish member, Dr. Farquharson, when it was proposed by the Government to refer the Bill to the Grand Committee on Law, moved an amendment to refer it to the seventy-two Scottish members with fifteen others added—the Scottish Grand Committee. Another Scottish member, Sir Robert Reid, in speaking to this amendment

* On this occasion Mr. Shaw, who had protested on a previous occasion against the unnecessary trouble and expense of having a second inquiry in London, summarised the conditions and restrictions of the measure as follows: "In the first place it applies to Bills which are wholly and mainly Scottish; in the second place there are to be excluded from the advantages of the measure all cases except those which are small and relatively unimportant, and in the third place it is expressly provided in the Bill that no Provisional Order with the advantage of this procedure can be carried through the House if there is any question of public policy involved."

made a vigorous protest against the refusal of the Government to send the Bill to the Scottish Committee:—

"The case which had arisen was one of the extreme examples of the absurdity of the present practice of the House. The Bill was admittedly uncontroversial; there was no party capital to be made out of it. It was exceptionally important to Scotland; it did not affect any other part of the United Kingdom, it was necessarily unintelligible to Englishmen, and there was a large number of Scottish members eminently qualified and very anxious to deal with the measure. Yet the Government refused to submit the Bill to the willing members, and sent it to a high and dry Standing Committee on Law, on which there were only eight Scottish members and to which only fifteen more could be added. This was simply a result of the prejudices of the House springing from the recent Home Rule controversy. . . . If the Scottish members had a fair chance of putting their views before the Committee the Government would have no further trouble. Scottish members did not obstruct Scottish Bills, and there was not a Scottish member on the Opposition side of the House who did not wish the Bill to pass into law. He objected altogether to the Bill being referred to the Standing Committee on Law with only twenty-three Scottish members out of sixty-two, and he should divide the House on the point."—(*House of Commons, April 1st*, 1897.)

This protest, however, did not alter the fate of the Bill, which was by a majority of ninety-eight sent to the Standing Committee on Law, only ninety-five members voting for its being sent to the Scottish Grand Committee.

The Bill, which is one for the Consolidation and Amendment of the Laws relating to Public Health in Scotland, provides for central and other authorities for carrying out the provisions of the Act. These provisions are directed generally against nuisances of all kinds and towards the prevention and mitigation of disease by making notification compulsory in certain cases of infectious diseases. It provides for the inspection of dairies, and for the regulation and inspection of common lodging-houses, and imposes penalties for the sale of unsound meat, etc. It is an Act, as was pointed out, of great importance to Scotland, and one that was hailed and assisted in its passage so far as possible by Liberal Scottish members as enthusiastically as by Unionist and Conservative members.

On a subsequent occasion, when the Scottish Licensing Bill was before Parliament, Sir Robert Reid, on April 6th, 1903, at the second reading of the Bill, moved that it should be referred to the Scottish Grand Committee. This motion was defeated by 123 votes to 53, and it was instead referred to the Standing Committee on Trade.

## THE ENGLISH GENESIS OF SCOTTISH LEGISLATION.

The two principal Bills next dealt with (Agricultural and Educational) form a glaring example, on a scale of some financial magnitude, of the way in which the farce of Scottish legislation is performed. In the Session of 1896 the Government introduced for England and Wales what was called an Agricultural Land Rating Bill. The alleged reason for its introduction was that depressed

agriculture in England was crying out, and that land bore an undue proportion of local taxation. A Royal Commission, appointed in 1893, to inquire and report upon this subject was still sitting, and had not yet reported. The Government proposed to give a subvention to this so-called depressed agriculture. When the Commission did, in the autumn of the following year, report [C. 8540], Mr. George Lambert, M.P., issued a separate report, in which he said: "An interesting light is cast on the bias of the majority by a report being rushed through the Commission to relieve the rates on land . . . while special recommendations were refused for amending the Agricultural Holdings Act, which would have strengthened the tenant in making a bargain with his landlord." Mr. Channing, M.P., also issued a separate report, in which, among other things, he stated that "besides the fall in prices the chief cause of agricultural depression has been the excessive rent put upon agricultural land." In the majority report it was stated that the effects of the depression had made themselves much more apparent and acutely felt in the arable than in the pastoral districts of Great Britain.

No call was made from Scotland for legislation dealing with the condition of agriculture, and the strongest statement respecting Scotland which the majority of the Commission had to make was that "in arable districts the position in some respects was not so serious, but there also great losses had been experienced during the last twelve years."

## THE SCOTTISH AGRICULTURAL RATING ACT, 1896.

A sum of money had to be found to provide this grant in aid to alleged distressed agriculture in England, and, since it had to come out of the fund common to the three countries, namely the Treasury, Scotland and Ireland were entitled to a proportionate share. The proportion of such a grant to which Scotland is entitled has been fixed at eleven eightieths of the sum to which England and Wales is entitled —the equivalent grant for Scotland in this case coming, therefore, to something like £214,000. This sum, then, was proposed to be granted for the relief of an industry in Scotland which had not pleaded depression, and which had not craved a subvention. In the debate on the second reading of the Scottish Rating Bill, on July 13th, 1896, Sir Henry Campbell-Bannerman made a strong appeal to the Government to withdraw the Bill and let the money accruing to Scotland be held up until full opportunity was given for the Scottish people to form and express a judgment as to the object or objects to which this money should be devoted. He felt certain, he said, that when that judgment was ascertained the object so selected would not be such as would benefit an individual class or interest, but would be such as would be of lasting advantage to the community at large. On the following day (July 14th, 1896) Mr. Birrell made another appeal to the Government. "This Bill," said he, "was the consequence of the English Bill, and was not the result of any genuine demand on the part of the people of

Scotland. This was a lamentable example of England dragging Scotland in its wake. Scotland took the money because it was Scottish money, but it was not an unreasonable demand that it should be earmarked until the Scottish people should decide how it was to be spent." It was pointed out in the debate by Sir Henry Campbell-Bannerman that there did not exist in Scotland depression of agriculture on the scale on which it was alleged to exist in England, and that Scotland had never been so lightly taxed for local purposes as she was at that time.

## THE SCOTTISH RATING SYSTEM.

In Scotland, it should be noticed here, there are several important points on which the matter of rating differs from the system in force in England. In Scotland the rates which the Bill affects are borne equally by landlord and tenant. Under the 36th section of the Poor Law (Scotland) Act, 1845, it is made lawful to distinguish lands and heritages into two or more separate classes, according to the purpose for which they are used and occupied, and to fix such rate of assessment upon tenants and occupants of each class respectively as may seem just and equitable. This equitable principle had already, in 1896, been adopted in about one-fourth of the parishes in Scotland. Notwithstanding these differences from the English system and the further fact that agricultural depression in Scotland in so far as it did exist did so very unequally, absolutely no principle of distribution was in the Scottish Bill suggested to meet these difficulties. The result of this want of method naturally comes to be that, where agriculture is in a depressed condition (and the land has become lowered in value), the districts that are depressed get less money out of the grant, and districts where there is no depression get more money in proportion to their prosperity and their valuation; like largess thrown to the mob, the biggest share is captured by the strongest individual.

## THE PROVISIONS OF THE RATING ACT.

The main provisions of the Act are that *the annual value* of all agricultural lands and heritages in Scotland during the continuance of the Act (which, in consequence of the remonstrances of the Opposition in the case of the English Bill, is limited meanwhile to five years) shall, for the purposes of the occupier's consolidated rate leviable by County Councils, be held to be the nearest aggregate sum of pounds sterling to three-eighths of the annual value thereof as appearing in the Valuation Roll; and similarly for the occupier's share of the poor rate, school rate, and other rates leviable by Parish Councils. The Commissioners of Inland Revenue are directed to pay during the continuance of the Act to the Local Taxation Scotland Account, out of the proceeds of the Estate Duty derived in Scotland from personal property, such sums as may be ascertained by the Treasury to be equal to eleven-eightieth parts of the sum payable under the English Act to the Local Taxation Account therein mentioned. The Government, before the Bill passed its third reading, and in response to the remonstrance of the Opposition, modified their position with regard to

classified parishes, to the effect of allowing a classification to have effect where the Secretary for Scotland should certify that the rates under the classification were as nearly as possible the same as the rates under the Act would be if there were no classification, but beyond this point the Act does away with the effect of the Thirty-sixth Section of the 1845 Act already referred to.

The Bill was discussed in Committee on the 3rd, 4th, 5th, and 6th days of August, on the last-mentioned of which dates it passed the Committee stage. On August 4th Mr. Edmund Robertson, a Scottish member, protested that not a single amendment moved from the Opposition side of the House with a view to apportioning the relief of agricultural distress had been entertained, and Sir George Trevelyan, on the same day, pointed out that while on general politics there were returned from Scotland at last General Election five supporters of the Government to six of the Opposition, upon this Bill the Government had only one Scottish supporter to two Scottish opponents.

The Bill was read a third time, and passed by a majority of 124 to 45.

## THE HAPPY "AFTER-THOUGHTS."

In August of the following Session (1897) and in the Session of 1898 respectively, two minor Acts connected with the Agricultural Rating Act were passed. These were the Congested Districts (Scotland) Act and the Local Taxation Account (Scotland) Act. The first-named of these had for its object the direction of the administration of the sum of £15,000 annually, which by the Rating Act had been set apart for the improvement of congested districts in the Highlands and Islands of Scotland. It allows the Commissioners that are to be appointed under the Act to take such steps as they think proper for aiding agriculture, providing for the enlargement or subdivision of the holdings of Crofters, aiding the migration of Crofters to other districts, and for the purchase of land. On July 22nd, 1897, when this Bill was in Committee, Mr. Galloway Weir, member for a Highland constituency, moved an amendment providing for giving the Commissioners compulsory power to acquire land, but this was defeated by sixty-eight votes.

The Local Taxation Account Act provides that in each year during the continuance of the Scottish Rating Act there shall be paid out of the Consolidated Fund of the United Kingdom to the Local Taxation (Scotland) Account sums equal to the difference between the eleven-eightieths, already referred to, and a sum equal to seven-sixteenths of the amount raised by rates by County and Parish Councils in Scotland from the owners and occupiers of lands and heritages (as defined in the Rating Act) during the local financial year ending May 15th, 1896. The sums payable as above mentioned are to be applied by or under the direction of the Secretary for Scotland in the following manner :—

(1) £20,000 to County and Parish Councils for the purposes named in the Agricultural Rating Act.

(2) £25,000 to the police authorities as an additional contribution to the cost of the pay and clothing of the police in the same proportion as the amounts distributed under the Local Government (Scotland) Act, 1889.

(3) £15,000 for marine superintendence and otherwise for the enforcement of the Scottish Sea Fisheries Laws.

(4) The balance for the purpose of secondary or technical (including agricultural) education in Scotland.

On July 26th, 1898, two amendments to this Bill were proposed by Scottish members—one by Mr. Edmund Robertson for spending the money "in manner to be hereafter provided by Parliament," which was defeated by seventy-one votes, and the other by Mr. Thomas Shaw, to transfer the proportion of the grant allocated for police purposes to the abolition of school fees and the opening up of secondary schools, which was defeated by sixty-four votes.

## THE UNHEEDED CRY OF THE CROFTER.

While all this has been done for so-called depressed agriculture, the following paragraphs will show what has not been done for the struggling crofter and fisherman in the Highlands, where there really is depression and want.

On January 22nd, 1897, Mr. Galloway Weir moved an amendment to the Address expressing regret that, although a Royal Commission appointed in 1892 to inquire into the Land Question in the Highlands and Islands of Scotland, had reported that nearly two million acres of land now occupied as deer forests, grouse moors, etc., might be cultivated to profit, or otherwise advantageously occupied by crofters or small tenants, there was no indication in the Queen's Speech that arrangements would be made for acquiring some portion of this land, so that the crofters, cottars, and fishermen might be able to live under more favourable conditions than those under which they were at present existing. The amendment was lost by 67 votes.

This amendment was repeated on the motion of Dr. Clark, on February 18th of the following Session of 1898, and again defeated, this time by 121 votes.

Again, on February 14th, 1899, Mr. Weir moved an amendment to the Address expressing regret that no reference was made in the Queen's Speech to the Land Question in the Highlands and Islands of Scotland. This was defeated by 55 votes. A similar motion by Mr. Weir in 1900 asking for an extension of the Crofters Act was lost by 73.

## THE "EDUCATION" (SCOTLAND) ACT, 1897.

The Education (Scotland) Act of 1897 is another example of a measure forced upon Scotland without any justification and simply following upon legislation on certain lines laid down for England. The circumstances of the two countries were entirely different. The "intolerable strain" upon Voluntary schools so much complained of in

England had practically no existence in Scotland, and certainly was not urged as an excuse for a grant in aid. In Scotland there is a School Board in every parish. Only one half of England and Wales is under the management of School Boards. In England there are only four Board scholars for every five Voluntary scholars, while in Scotland there are thirty-three Board scholars for every five Voluntary scholars. Scotland was dealt with on the lines of some supposed "symmetry" which had the effect of making the Scottish legislation exactly similar to that of England. The Bill was passed in the teeth of the opposition of the Scottish Liberal members. The position taken up by the Scottish members was, that, while Scotland was entitled to her share of the sum to be dealt out in respect of the English legislation, the Scottish people should be allowed themselves to judge to what uses it should be put.

As regards Board schools the Act is an amendment of the 67th Section of the Education (Scotland) Act of 1872. As regards Voluntary schools it enacts that there shall be annually paid, out of moneys provided by Parliament, an aid grant equal to three shillings per child for the whole number of children in average attendance in these schools, and such schools are exempted from the payment of any assessment or rate under any general or local Act of Parliament for any county, borough, parish, parochial or other local purpose. The general effect of the Act is to give to Scotland a grant of £40,000 divided so as to allow to School Boards the sum of £28,000, and to that small portion of the educational system of Scotland known as Voluntary schools £12,000. If the principle of the equivalent grant had been adhered to, Scotland would have obtained, not £40,000 but £110,000, which is eleven-eightieths of the sum of £800,000 voted for England and Wales under the English Bill. As Mr. Shaw, the member for the Border Burghs, pointed out at the discussion on the second reading, if Voluntary schools in Scotland had remained part of a public national system, and had multiplied as they had done in England, instead of getting £12,000 a year for her Voluntary schools, Scotland would have been getting £80,000 per annum. "Now," said he, "the poorer country, which had done what she had, was to be punished for having taken the more excellent educational way, and her grant was to suffer to the extent of about £60,000 a year."

Not a single Scottish member, as Sir Henry Campbell-Bannerman pointed out, expressed cordial approbation of the Bill. The Government supporters accepted it reluctantly as an instalment, and the Liberal Scottish majority voted against it; but the Government pressed it through with a majority of 107 votes. Among the amendments defeated was one by Captain Sinclair, making provision for adequate representation of local authorities or parents on the management of Voluntary schools in receipt of the aid grant. This was defeated by a majority of 83.

In a letter by Mr. Caldwell to the *Glasgow Herald*, of May 27th, 1901, referring to the subject of a motion made by him in the House of Commons on May 10th, to reduce the salary of the Secretary of the

Scottish Education Department, and commented upon in the *Liberal Magazine* for July, 1901, at page 357, he shows how, in 1892, when the Liberal members for Scotland claimed the amount of 10s. per child in Scotland the same as was paid in England, the Government opposed the claim, maintaining that eleven-eightieths of the sum paid to England was the proper equivalent to be paid to Scotland, but when in 1897, owing to the increase in the school attendance in England, eleven-eightieths became more than 10s. per child, the Treasury changed the grant to 10s. per child. Thus in the year 1901, when the fee grant payable to England was set down at £2,391,588, eleven-eightieths of which is £328,843, the sum set down for Scotland at the rate of 10s. per child was only £317,250, a loss to Scotland for that year alone of £11,593. This loss is put down by Mr. Caldwell as solely due to the action of the Scottish Education Department.

## LEGISLATION PLAYFUL AND ELEMENTARY.

In the Session of 1900, one or two Bills relating to Scotland —including a Liquor Traffic Bill introduced by a private member, and an Education Bill introduced by the Government—were introduced, talked about, and—dropped. Such other measures as an Act giving the same powers to Executors nominate in Scotland as that enjoyed by Trustees under the Trusts Act; giving powers to levy assessments for the purposes of the Inebriates Act; sanctioning payment of salaries to clerks under the Lunacy Board; and amending and consolidating the law relating to the election of Town Councils, etc., were actually passed.

When the Agricultural Holdings Bill—a Bill composed of amendments upon four Acts—the Agricultural Holdings Acts for England and Scotland, 1883, and the Market Gardeners Acts, 1895 and 1897—repealing sections, and striking out sentences here and there in other sections, was read a second time on April 6th, 1900, Mr. Ure, K.C., the member for West Lothian, made a protest against legislating for England and Scotland in one Bill, but the only result of his protest was to find himself in a minority of 30 against 113.

## IN THE PARLIAMENT OF 1900.

Parliament was dissolved in September, 1900, and the new Parliament met in December following. Nothing was even promised to Scotland in the King's Speech, but an Act was passed in 1901 with the formidable title of the Education (Scotland) Act, 1 Edward VII., c. 9, which regulates the employment and attendance of children at schools in Scotland, and the principal clauses forbid the employment of children of between twelve and fourteen years of age, unless the local School Board grants exemption from the obligation to attend school on conditions laid down by it.

In 1902 the question of amending the Licensing Act for Scotland was discussed on February 12th, and on the 29th of the same month a

Bill of Lord Camperdown's, dealing wiih the hours of closing of public houses in Scotland was refused a second reading by a majority of 23, the figures being 60 to 37.

In the same year, in the month ofJune, the Immoral Traffic Scotland Bill was read a third time. This Act, the principal provision of which is to punish male persons, by three months' imprisonment with or without hard labour, who knowingly live wholly, or in part, off the earnings of prostitution, practically put Scotland, after the usual waiting period, in the same position as England with regard to the punishment of such offenders.

In the following month there was passed an Act establishing a close time for trout, between October 15th and February 28th, entitled the Fresh Water Fish Scotland Bill.

## THE SCOTTISH LICENSING ACT, 1903.

In the King's speech for the Session of 1903, there appeared the promise of a Licensing Bill for Scotland, and in March of that year the Bill was introduced by the Lord Advocate for Scotland. On April 6th following, the Bill was read a second time and referred, not to a Scottish Standing Committee, but—against the protests of the Scottish members—to the Standing Committee on Trade.

The Bill, in the main, is the English Bill adapted to Scotland with provisions enabling the Licensing Authority to deal more effectively with the structure of licensed premises and the conduct of the licensee's business It also provides for the registration of clubs.

The principal provisions are:—

(1) A proposal to give to all burghs having a population of not less than 7,000 a separate licensing court consisting of the magistrates for the time being of such burghs. The effect of this proposal would be in Scotland to deprive forty-four burghs of the right they have hitherto possessed to a licensing court of their own, and to confer on seven or eight other burghs a licensing authority of their own where they have not previously possessed such a right.

(2) A proposal to give power to the County Council to divide the county into districts to include the burghs with a lesser population than 7,000 coming within their area. No licensing district to contain a population of less than 7,000.

(3) The regulation according to population by a sort of sliding scale of the number of the licensing authority in each district, running from nine in the case of a population under 25,000, to eighteen in the case of a population of 100,000 or over. This licensing authority to be elected two-thirds by the Justices of the Peace for the County from their own number, and one-third by the County Council from their own number.

The old Court of Appeal is also done away with and a new form established, consisting of two-thirds elected by the Justices of the Peace from their own number, and one-third burgh magistrates or County Councillors.

The amendments proposed in Committee to the Bill were numerous and have altered the complexion of it—for the most part for the better.* The voting upon a number of these amendments show how in a purely Scottish measure the opinion of the Scottish members as representing Scottish opinion is overridden. To quote a few instances:—

In regard to a motion by Mr. Munro Ferguson to add a new clause to the Bill to have the effect of prohibiting canvassing in an application for a licence, the Scottish votes were 29 in favour of the proposed clause to 25 against, while the result of the vote of the whole Committee was in the opposite direction, only 85 votes being in favour of the clause, and 148 against.

Similarly in an amendment proposed by Mr. Charles Douglas with the object of increasing the representative character of the Appeal Courts by the addition of magistrates from the burghs, the votes of the Scottish members were 21 to 18 *in favour* of the amendment, but those of the whole Committee were in the proportion of 112 to 57 *against.*

Again, in the case of an amendment proposed by Mr. Hunter Craig to prevent repeated applications for licences in cases where the circumstances had not changed since the previous application, the Scottish vote was 28 to 24 *in favour* of the whole vote 156 to 73 *against* the amendment.

And so, in regard to an amendment proposed by Sir John Stirling Maxwell to make the hour of opening licensed premises nine o'clock instead of eight o'clock, the Scottish members, in the proportion of 27 to 11, showed they were in favour of the amendment, but this determination was swamped by a vote of the whole Committee representing 110 votes to 88 against the proposed amendment.

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* See *Liberal Magazine* for August, 1903, at page 456

CHAPTER XIV.

# IRELAND.

## I.—QUESTIONS DEALT WITH.

### 1.—IRISH LOCAL GOVERNMENT.

The first important fact in connection with the Irish record of the present Government is the passing in 1898 of the Irish Local Government Act. It is quite true that from the beginning of the Home Rule controversy in 1886 Local Government has formed part of the Unionist policy on paper. Local Government was declared to be the *viâ media* between the two extremes of Coercion and Home Rule; but the only result of putting into power in 1886 a party pledged to that policy was (1) the Coercion Act of 1887 and (2) the ridiculous Local Government Bill of 1892, introduced at a time when it was clearly never intended to press it, and so farcical in many of its provisions (*e.g.*, the "put 'em in the dock" clause, referring to the County Councils where guilty of "misconduct") that no one could seriously contemplate its finding its place upon the Statute-book. The difference between Mr. Arthur Balfour's Bill of 1892 and Mr. Gerald Balfour's Act of 1898 is a measure of the advance made in the interval by the Irish Nationalist cause. No one pretends that the Local Government Act of 1898 is a full measure of Home Rule, but in itself it gives the *coup de grace* to many of the arguments used to confound Home Rule. To take only one instance, the theory that the Irishman is cursed with a double dose of "original sin" was worked for all that it was worth against Mr. Gladstone's policy—though (it need hardly be added) the theory was not enunciated in that particular form of words. Yet it is a Tory Government which endows this same sinful Irishman with the power of managing his own local affairs in County Councils, for which he must (on the "original sin" theory) be quite as unfit as to manage Irish affairs in an Irish Parliament on College Green. Lord Salisbury, indeed, in a famous speech at Newport in 1885, pointed out that of the two things Local Government would be even more dangerous than Home Rule:—

"A local authority is more exposed to the temptation and has more of the facility for enabling a majority to be unjust to the minority than is the case where the authority derives its sanction, and extends its jurisdiction over a wider area. That is one of the weaknesses of local authorities. In a large central authority the wisdom of several parts of the country will correct the folly or the mistakes of one. In a local authority that correction to a much greater extent is wanting."—(*Newport, October 7th*, 1885.)

Yet when the Home Rule struggle came, Unionists were at once driven to *promise* equal treatment for all parts of the United Kingdom. Lord Randolph Churchill in 1886, during the short time he was Tory Leader of the House of Commons, declared for "similarity, simultaneity and equality" in the grant of Local Government to the United Kingdom, but though England and Wales got it in 1888, and Scotland immediately after, Ireland had to wait until 1898.

## WHAT THE IRISH LOCAL GOVERNMENT ACT OF 1898 DOES.

The following is a brief summary in outline of the effect of the Irish Local Government Act:—

### (i) *The Framework of Local Government.*

Ireland now has as its local governing bodies

| | | |
|---|---|---|
| County Councils. | Urban District Councils, (including in that term: (*a*) Councils of County Boroughs. (*b*) ,, ,, Boroughs). Rural District Councils. | Boards of Guardians. |

Six towns with populations exceeding 25,000—Dublin, Belfast, Cork, Limerick, Londonderry and Waterford—are constituted County Boroughs.

All these bodies are elected for three years, the members all retiring together. The register is the Parliamentary electors, together with qualified peers and women. Ministers of religion are disqualified from being elected. There are no Aldermen on the County Councils, and no *ex officio* Guardians. The Rural District Councillors are the Guardians for the areas for which they are elected on to the District Council. The Chairman of the Rural District Council is an *ex officio* County Councillor. The Rural District Councils *may* (but not *must*) elect from outside a Chairman, a Vice-Chairman, and two additional Councillors. There are no Parish Councils.

### (ii) *The Powers of the Local Bodies.*

(1) THE COUNTY COUNCILS.—The County Council has:—

(*a*) The former business of the grand jury and the county at presentment sessions, except that the grand jury business as to compensation for criminal injuries is transferred to the County Court.

(*b*) Provision and management of lunatic asylums.

(*c*) The management of main roads.

(*d*) Relief of exceptional distress without exceptional legislation.

The County Councils do *not* have the control of the police.

(2) THE DISTRICT COUNCILS.—In all districts—Urban or Rural—the District Council is the Sanitary Authority, and has to transact the business formerly transacted at the baronial presentment sessions. The Urban District Council makes the Poor Rate.

(3) THE BOARDS OF GUARDIANS.—The Guardians retain their old powers, and, in addition, have the business of the old Dispensary Committees.

(iii) *The Finance of the Act.*

All expenses of Guardians and Rural District Councils are raised equally over the Union and District, as the case may be.

The occupier, who used to pay half the Poor Rate, now pays all, the landlord for the future paying none. In existing tenancies the rent is to be adjusted accordingly (the year 1896-97 being taken as the standard year).

The agricultural rates are relieved by one-half. An "agricultural grant"—amounting in all to £730,000—was made by which half the County Cess and half the Poor Rate is paid by the State. Further particulars of the dole will be found in the Chapter on "FINANCE" at page 25.

## THE ACT—AND THE CREDIT FOR IT.

The Irish Local Government Act was passed into law, thanks to the fact that the House of Lords was bribed into accepting it by the "dole" given to the Irish landowners. (See page 222.) Except for this financial part of the Bill it was warmly supported by the Liberal party, and when the Bill was read a third time in the House of Commons on July 18th, 1898, there were Nationalists to point out that the Bill was the direct result of Liberal efforts on behalf of Home Rule. This is a fact that is undeniable, but it is far too often forgotten. Mr. Knox (at that time the Nationalist Member for Derry) said :—

"He wished to give due measure of praise to the Liberal party, for this Bill was due to the strong fight they had made for Ireland in the last thirteen years. But for the great work done by Mr. Gladstone, Ireland would never have got this Bill."—(*House of Commons, July 18th*, 1898.)

Mr. John Dillon, M.P., said :—

"It had been the fate of the Liberal party in England to see most of the reforms which they had worked for carried out by their opponents. That, he imagined, was the history of all reforming parties, and no doubt it was not always agreeable to see one's opponents effect a reform which they had denounced as revolutionary when they were in opposition. No one could think that this Bill would have been passed by the Unionist party if there had been no Home Rule Bills and no Home Rule campaign, and he desired to thank the Radical party for their assistance in the past, and for the support which they had given to this measure."—(*House of Commons, July 18th*, 1898.)

It may be added that the new Irish local bodies are overwhelmingly Nationalist in composition.

## THE WORKING OF THE ACT.

It is very satisfactory to find that the Councils have done their work exceedingly well, as will be seen from the following extract from the last (1903) report of the Irish Local Government Board :—

"The term of office of the first County Councils and Rural District Councils, on whom, with their officers, rests the credit of having successfully assisted in carrying the Local Government Act into operation, expired in June ; and the new Councils, with the experience of the past three years, will, no doubt, endeavour to bring the system into a state of even greater efficiency. Attention has been directed to certain political differences which have been introduced by some of the smaller bodies into their ordinary

business transactions with reference to the appointment of officers and giving of contracts; but it is only fair to state that these cases have been quite the exception, and not the rule; they have been promptly dealt with, and we feel confident that the conduct of their affairs by the various local authorities and their officials will continue to justify the delegation to them of the large powers transferred to their control by the Local Government Acts.

"In no other matter have the Councils been more successful than in their financial administration. After the heavy preliminary expenses necessarily attending the introduction of a new system of Local Government had been provided for, and the Councils and their officers had succeeded in obtaining a satisfactory basis on which to make their estimates of future expenditure, they found it possible to effect considerable reductions in their rates, and there seems to be every reason to anticipate that with extended experience there will be a still further general reduction of county rates.

"The collection of rates continues to be very satisfactory. In the majority of counties the poor-rate collectors are under an obligation to lodge the entire amount named in their warrants, whether collected or not, irrecoverable items being subsequently refunded to them, and this system is found to work admirably—the Councils, by this means, can rely upon having in the hands of their treasurer at the end of each half-year the great bulk of the rate levied, and thus they can meet their legal liabilities at their quarterly meetings. Nearly every county in Ireland has adopted the principle of striking one rate in the year, collectable in two moieties, and a great economy has resulted in the cost of assessment."

## 2.—THE IRISH LAND QUESTION.

The Government has passed two principal measures dealing with the Irish Land Question—in 1896 and 1903; but the earlier measure is made of little importance by comparison with the remarkable Act which was placed upon the Statute Book in August, 1903. This Act was the outcome of the Land Conference between representatives of the landowners and the tenants, which in 1902 met as the result of the enthusiasm of Captain Shawe-Taylor. The Conference led to a series of unanimous recommendations, and the Land Purchase Act of 1903 is the result, though (as could hardly fail to be the case) the measure does not in all particulars carry out the Conference recommendations.

### THE ACT OF 1903 IN OUTLINE.

In the very many measures dealing with Irish Land which have been passed up to the present time by the Imperial Parliament some have proceeded on the basis of a dual ownership of the land by landlord and tenant, some on the desirability of enabling the tenant to buy out the landlord and become the owner of the land he farms. In the former case, what the State has done has been to fix, for a term of years, the tenant's rent; in the second case the State has lent its credit to facilitate the purchase of farms, without, however, adding anything to the amount paid by the tenant before it is accepted by the landlord. The Act of 1903 aims at making the Irish tenant the owner of his farm by offering the tenant such inducement to buy and the landlord such inducement to sell that both will almost certainly be willing to come to terms. This inducement—in the form of money—is provided by the State, which is to give to the landlord a cash "bonus" in

addition to the sum payable to him by the tenant. This bonus is 12 per cent. of the price to be paid by the tenant.

The total capital amount of cash bonus to be provided by the Treasury out of taxes (to which it must be remembered Ireland contributes) is twelve millions. The maximum amount payable in any one year is to be £390,000. As a set off, Mr. Wyndham has pledged himself to effect immediate economies in Irish administration amounting to £250,000 a year. So far as the cash bonus is concerned, the net cost will be therefore, at most, £140,000 a year, to which Ireland herself contributes roughly one-tenth.

The State, in addition, lends its credit. The landlord is to be paid in cash, to be obtained by the State by the issue of new stock at $2\frac{3}{4}$ per cent., guaranteed by the common exchequer, not redeemable for thirty years. The State gets the money from the investor and pays it to the landlord; the interest ($2\frac{3}{4}$ per cent.), which will have to be paid to the investor, will be provided by the Irish tenant. The tenant will also pay a certain amount each year towards paying off the capital sum until that capital sum is paid off.

The State will thus have a very large sum of money invested in Irish land. The total amount is roughly estimated at 100 millions, though during the first three years of the operation of the Act not more than five millions a year is to be advanced. As a guarantee for the investment there is the security of (*a*) the land itself, and (*b*) the amount paid every year ($2\frac{1}{2}$ millions) from the common exchequer to the Irish Exchequer for Irish purposes. A great blot upon the Act is that it creates no Irish authority with responsibility for seeing that the Irish tenants pay their rents to the British Exchequer. As to that, Mr. Wyndham said, in introducing the Bill:—

"Then the hon. and learned member asked me whether I had accidentally omitted to say that at some future time, if not now, this eighth would be collected by, and, I presume, administered by, some local bodies in Ireland. I have given a good deal of thought to some such project as that; and, speaking for myself—and I speak for no one else on this matter—I should like to see some such project carried out. I believe it would be a good project. I believe that it would be wise for local bodies in Ireland to collect some part of these instalments and hold them as a perpetual form of income, of course surrendering some of the grants given from this country in exchange. I think it would be a very sensible thing to do to interest local bodies in Ireland in land purchase. But this is a long Bill. I want this Bill to pass. I am afraid of overweighting it, and I have been persuaded to the belief that to bring anything in the nature of a Local Government Bill into this Bill would be to risk the loss of it. On matters of local government there is not that agreement between all parties in Ireland which, thank Heaven, there is now on the matter of land purchase; and had I persisted in bringing local bodies into this Bill I might have thrown down a possible bone of contention between parties who are drawing so close together on the question of land purchase. If that is ever to be done it must be done in the future, in a separate measure, on the responsibility of a Minister who feels it is safe to do it. It would not be safe, we think, to do it now—quite safe from the point of view of Ireland, but not safe from the point of view of this Bill."—(*House of Commons, March 25th*, 1903.)

It should be added that in previous schemes of land purchase there have during twelve years been only two irrecoverable debts. In other words, the rents have been paid to the State practically without any loss at all.

It is certain that the price obtained for 2¾ per cent. stock when it is issued will be less than par—*i.e.*, the investor will not give more than (say) 95 sovereigns in return for £100 worth of stock. This will occasion a loss, since the State will owe £100 whilst it only gets (say) £95; and, in addition, there will be initial expense in connection with floating the stock. Both this loss and initial expense are to be paid by Ireland herself out of the £185,000 a year, to which she has an absolute right as an equivalent grant for the £1,400,000 given to England and Wales by the Education Act of 1902.

A provision in the original Bill, creating a perpetual rent charge of one-eighth of the purchase annuity (intended to be a check on sub-letting and excessive borrowing), was cut out in Committee in the House of Commons at the instance of the Nationalist members.

## THE SECOND READING.

It cannot be said that the Act was warmly supported in the House of Commons, except by the Irish members and by Mr. Balfour and Mr. Wyndham. John Bull's attitude was summed up with absolute accuracy by Sir Henry Campbell-Bannerman :—

"The people of this island do not like this Bill—I am sure I shall not be contradicted in any quarter—they are being led quietly and judiciously up to it; but their attitude towards it is that of a shying horse. They shrink from this huge employment of their credit, and this huge gift of their cash in order to oust from their property a set of men against whom they themselves have no complaint and in order to instal in possession those farmers who happen at this juncture to be holding farms. But the people of this country are well disposed towards Ireland; they have a notion that they have a duty to do to Ireland; and now they are told that, if some such great scheme as this is adopted, all classes in Ireland will be friends, old feuds will be forgotten, new prosperity and industries will arise, the government of the country will be made easy, and the preposterous force of constabulary will be no longer necessary. What I say is, once convince our countrymen that these things will be attained and I altogether mistake them if they will not support you in the effort to achieve them, and stretch, not one or two, but any number of points to do it."—(*House of Commons, May 4th*, 1903.)

The rejection of the Bill was moved by two Tory members—Mr. D. H. Coghill (Stoke-upon-Trent) and Sir G. T. Bartley (North Islington). Their combined oratory evoked from Mr. Balfour a remarkable vindication of Mr. Gladstone's Irish land policy, none the less remarkable because it was not intended to be such. Mr. Balfour said :—

"I hardly know whether hon. members who are not acquainted personally with Ireland have in their minds the enormous difference between the land system in that country and the land system which prevails in England and Scotland. I do not believe there is a vital or important point in which these two systems are not at absolute variance. To begin with,

English and Scottish land are marketable commodities. I admit, speaking as a landowner, I wish there were more purchasers, and that I could say that the turn of the market was more in our favour than it is at the present moment. But English and Scottish land always has been a marketable commodity. Irish land is not, and has not been for years, a marketable commodity. There are no purchasers for it outside the actual tenants. . . . Another great difference closely allied with it . . . is that about one-sixth or one-seventh of the Irish land does not in any sense belong to the landlord at all, but is managed by a Court and by a Judge. . . . Another great difference between English and Irish land—and this is most vital—is that in England and Scotland the land is owned by one man, it is cultivated by another, but the capital and the instruments for cultivating it are provided partly by the owner and partly by the farmer; and even that is really a great under-statement of the case, because, speaking from my own experience, the amount of money which a Scotch landlord has to put into his farm in the shape of buildings and permanent improvements is far greater than the tenant is asked to put in. And the tenant's capital is, of course, recoverable. When he leaves, he takes it with him. In Ireland you have a system under which—again for historic reasons—the landlord does not spend a shilling on his property. There were a certain number of English furnished estates before 1870, but since then that landlord would be thought a very rash speculator who put money into his land; and since 1881 such a landlord would have been shut up. Of course, you cannot ask them to do it, and they have not done it. But what is the inevitable result? When a tenant is evicted for not paying his rent, he cannot carry off with him his farm buildings; and there is a sense of proprietary right, which also has its origin in and which has been supplemented and fostered by many historic traditions—a sense of co-ownership which has never existed in England or Scotland, but which may be seen embodied in the Ulster custom. When to all these differences you add the other great difference that every transaction is regulated by a Court, I declare that you have the most intolerable land system that the world has ever seen. I can imagine no fault attaching to any land system which does not attach to the Irish system. It has all the faults of peasant proprietary; it has all the faults of feudal landlordism; it has all the faults incident to a system under which the landlords take no interest in their property and under which a large part of the land is managed by a Court. It has all the faults incident to the fact that it is the tenant's interest to let his farm go out of cultivation as the term for revising the judicial rent approaches."—(*House of Commons, May 4th*, 1903.)

Little wonder that Sir Henry Campbell-Bannerman was moved to ask, "Is Saul also among the prophets?"

## THE CASE OF SERGEANT SHERIDAN.

As throwing a sidelight on Irish administration we must add here the main facts in the case of Sergeant Sheridan. In January, 1901, Sergeant Sheridan, acting with another police officer named Mahony, came with a story set out in depositions against a tramp named Ryan. Those depositions were brought before Mr. Wyndham when it had been found impossible to proceed against Ryan because the evidence in the depositions was of an unsatisfactory and conflicting character. On these depositions Mr. Wyndham came, not to the conclusion, but to the suspicion that Sheridan and Mahony had concocted the whole

story. The Irish officers advised that there was no evidence to justify Ryan being put on his trial. He was therefore discharged. The Government did not prosecute Sheridan; if they had he would have gone into the dock, there would have been no evidence against him, for the depositions which were unsatisfactory from the point of view of prosecuting Ryan gave as little foothold for the prosecution of Sheridan, and almost certainly Sheridan would have been acquitted. At this time only the case of the tramp Ryan had come before Mr. Wyndham; but, dissatisfied with the way in which Sheridan had put forward this case, he advised the Lord Lieutenant to exercise his power and to dismiss Sheridan and Mahony from the force. They were dismissed by the Lord Lieutenant acting within the privilege of the Crown to dismiss a public servant without giving a reason if it was considered in the interest of the service of the Crown to do do. After Sheridan and Mahony had been dismissed it was brought to Mr. Wyndham's knowledge that other men who had suffered terms of imprisonment in the past had been convicted on the evidence of this same sergeant, and that on finishing his term one of them had made an affidavit that he was innocent. Mr. Wyndham accordingly instituted a secret inquiry, prosecuted by two able officers, with directions to probe the whole matter to the bottom. That inquiry was held, and as the result of it the innocence was established of three men whose conviction Sheridan had procured—Bray, Murphy, and McGoohan. The officers who conducted the inquiry were instructed to tell the men who were suspected, if not of conniving in, at all events of not exposing, the wrong that was being done, that if they told the whole truth they would not suffer Mr. Wyndham subsequently found that these constables, and one of them in particular, must have known that Sheridan not only fabricated evidence, but had a hand in committing crime. The course he took was to tell the men that they could have the promised indemnity, but that it must be clear to them that they could be employed in no position of trust in the Royal Irish Constabulary in the future; that if they cared to stay at the depôt doing nothing and drawing regulation pay they might do so, but that his advice was that they should get out of the Constabulary and seek to make good their offence against their fellows by regaining a place amongst honest men. Two of the three men—Reed and Anderson—went, getting £200 as a "compassionate allowance." The third is still in the Constabulary, though kept at a depôt doing nothing. Most marvellous of all, Sergeant Sheridan himself is not prosecuted! Mr. Atkinson, the Irish Attorney-General, on that point said:—

"The evidence came from men under terms that made prosecution impossible. That evidence would never have been obtained at all if these terms had not been entered into, and under those conditions it was perfectly impossible for him to have advised a prosecution without a direct violation of the pledge given to those men."—(*House of Commons, July 10th*, 1902.)

But the indemnities ought never to have been given in that precise form. To tell a man he will not himself be prosecuted is one thing; it is quite another to tell him that some second person will not be.

Mr. Morley (on July 24th, 1902) well described the failure to prosecute Sheridan as a "monstrous indiscretion," whilst Mr. Asquith indicated three points in the matter upon which Mr. Wyndham was open "not only to criticism but to censure":—

"(1) In the first place I think it was a great mistake that the right hon. gentleman (*Mr. Wyndham*) should have left to some subordinates of his . . . the task of formulating the terms of the indemnity which should draw confession from the accomplices of Sergeant Sheridan. . . .

"(2) When you have a minister of the law abusing the trust which the State has reposed in him, and you get what it is no exaggeration to call the stream of justice polluted at its very source, no action that the Executive can take can be too strong, no punishment you can inflict can be too severe, and no measure of precaution against the recurrence of similar things can be too vigilant or drastic. What was the course the right hon. gentleman should have taken? I do not hesitate to say . . . that at all costs he ought to have prosecuted Sheridan. . . .

"(3) I cannot help thinking that he has made a great mistake in putting these officers, who were accomplices and accessories in the crime of Sheridan, back into the police force. I do not think any promise of indemnity . . . could possibly have imposed on the Government the obligation of bringing back into their service men who, by their own admission, had been proved guilty of a gross dereliction of duty."—(*House of Commons, July 24th*, 1902.)

These three criticisms concisely sum up the real case against Mr. Wyndham in the matter, but the broader moral is obvious. Could this case have happened anywhere except in Ireland? Is it any wonder that the Irish people have not the same respect for law and order which obtains everywhere else in the United Kingdom—we might say in the British Empire?

## II.—QUESTIONS NOT DEALT WITH.

The present Government has actually legislated with regard to Irish Local Government and Irish Land; during their term of office four other Irish questions have been prominent:—

1. Home Rule.
2. The Financial Relations between Great Britain and Ireland.
3. An Irish Catholic University.
4. Irish Representation.

We have only space very briefly to set out what has happened in connection with these subjects.

### 1.—HOME RULE.

The Tories have thus far resisted the Irish demand for Home Rule though (as we have pointed out) the Local Government Act is a big step forward in the direction of Home Rule, whilst Mr. Wyndham's Irish Land Act is another step in the same direction. He would be a very rash prophet who would be certain that the Irish will not yet get Home Rule from the Tory party. As Mr. John Morley said in 1899:—

"Nobody supposed the day was never going to come when the Irish would hold the balance between the two English parties, and did anybody suppose that the Tories would not angle for that vote as they did in 1885? They must not be under any delusion of the kind."—(*Montrose, January 19th*, 1899.)

Recent events have proved a very speedy fulfilment of Mr. Morley's words. On the second reading of Mr. Wyndham's Land Bill two remarkable speeches were made. Mr. Gibson Bowles (C) (King's Lynn) said :—

"His desire to see Ireland contented and prosperous was one of the dearest wishes of his heart. He would rather have a contented and prosperous Ireland than an extended empire. He had always felt great sympathy with the Irish members, and admired their devotion to the interests of their constituents, and when he had heard them called rebels he had wished there were more rebels of that kind in the House as a check upon its decadence and on the tyranny of Ministers. That it should be said that every vote given for this Bill would be a vote given for Home Rule did not frighten him. *When they had a score of Parliaments in that great Empire, he was not to be frightened at the prospect of another added.* He did not minimise the difficulties of such a system of Home Rule as would secure—and that was the only thing he was concerned about—the strategic and military safety of this island. But could that be secured? He believed it to be not at all impossible."—(*House of Commons, May 7th*, 1903.)

Mr. Ernest Flower (C) (West Bradford) said :—

"Referring to the criticisms of his hon. friend the member for Stoke-on-Trent, he would ask whether it was to be an article of creed amongst Unionists that local government was not to be extended from time to time to Ireland alone among the countries of the United Kingdom as political exigencies rendered possible? If that were so, then he did not understand how it was that they were asking the Irish people to become reconciled and friendly to their policy on the ground that the Imperial Parliament was able to remedy their grievances and redress their legitimate complaints. (MR. COGHILL: Does my hon. friend forget the Irish Local Government Bill?) On the contrary, he rejoiced at the Local Government Bill, and he rejoiced at this Bill, too, and he was not at all sure that in future a larger Local Government Bill would not be a necessary consequence of this Bill. There was no finality in Irish politics any more than there was finality in English local self-government."—(*House of Commons, May 7th*, 1903.)

Thus it will be seen that bit by bit the case against Home Rule—*i.e.*, the local self-government of Ireland by Irishmen themselves in accordance with Irish ideas—is being broken down.

## HOME RULE IN PARLIAMENT: 1895-1903.

We give a brief summary of Home Rule in Parliament since 1895.

**1896.**—On February 13th Mr. Dillon moved an amendment to the Address :—

"And we humbly represent to Your Majesty that your present advisers, by their refusal to perform any measure of self-government for Ireland have aroused feelings of the deepest discontent and resentment in the minds of Irishmen; and that they have thereby added to the complication and difficulties which have arisen from their Foreign and Colonial policy."

Lost by 276 to 160, the minority including Mr. Asquith, Mr. Bryce, Sir H. Campbell-Bannerman, Mr. Herbert Gladstone, Sir E. Grey, Sir W. Harcourt, Mr. Mundella, and Sir G. O. Trevelyan.

**1898.**—On February 11th Mr. John Redmond (at that time the leader of the Redmondites, a party of 12 Irish Nationalists) moved an amendment to the Address:—

"And we humbly represent to Your Majesty that the satisfaction of the demand of the Irish people for national self-government is the most urgent of all subjects of domestic policy, and that that demand can only be met by the concession of an independent Parliament and an executive responsible for all affairs distinctly Irish."

Lost by 233 to 65. Only three Liberals voted in the minority—Mr. Atherley-Jones, Mr. Labouchere, and Mr. C. P. Scott. The bulk of the Liberal party voted in the majority, including Mr. Asquith, Mr. Bryce, Sir W. Harcourt, and Mr. John Morley. In giving his reasons for opposing this motion, Sir William Harcourt made an important speech, in the course of which he said:—

"I say that the fundamental principle of the Home Rule Bill which we who took part in that measure and were responsible for it always asserted, and the members of the Liberal party who supported it—all those who at any time recommended its adoption to their people—was the principle of the supremacy of the Imperial Parliament. For that means, I say, in answer to the friendly question of the hon. and learned gentleman, I think he asks us too much when he asks us to recant and alter all we have said and done on this question of Home Rule; and when he asks us to support a resolution which declares for an independent Parliament. . . . On the subject of Home Rule I firmly believe that the general principles—I do not say all the details—but the capital principles laid down in the measure of 1893, and above all the maintenance of the supremacy of the Imperial Parliament, were entirely correct. We desire to see Home Rule for Ireland under these conditions, as a measure and a policy which we believe will be for the advantage not only of Ireland but also of Great Britain. But the principles declared by Mr. Gladstone are the principles to which we adhere. These are the principles which are put in issue and contradicted in this resolution; and I can only inform the hon. and learned member for Waterford that against that resolution I at least will vote."—(*House of Commons, February 11th*, 1898.)

It should be noted that speaking a few days later, Mr. Asquith said:—

"The other night they had a very remarkable and significant discussion initiated by Mr. Redmond in the House of Commons on the subject of Home Rule. He did not wish at that moment to say more in reference to that debate than that, speaking for himself and for himself alone, but echoing, as he believed, a widely diffused sentiment in the party to which he belonged, he would never by any pledge or assurance fetter his complete freedom of action and of judgment if and when—for the time must come—the responsibility was cast upon them of carrying into legislative and practical action the ideals upon which their hearts as a party were set."—(*Eighty Club Dinner at Café Monico, February 15th*, 1898.)

**1899.**—On February 16th Mr. John Redmond (still the leader of the Redmondites only) moved an amendment to the Address:—

"And we humbly assure Your Majesty that the establishment of popular self-government in local affairs in Ireland has intensified the demand of the

people of that country for Legislative Independence, without which Ireland can never be prosperous or contented, and which, in our opinion, is and must remain the most urgent of all questions of domestic policy."

Lost by 300 to 43. Only 4 Liberals voted in the minority—Mr. Atherley-Jones, Mr. Labouchere, Mr. C. P. Scott, and the Hon. Philip Stanhope. The bulk of the Liberal party voted with the majority, including Mr. Asquith, Mr. Bryce, Sir H. Campbell-Bannerman, Sir Henry Fowler, and Sir E. Grey. Sir Henry Campbell-Bannerman, speaking against Mr. Redmond's motion, said :—

"The Liberal party stands to Home Rule as it stood before. What I said in the speech to my constituents on the occasion to which he refers I repeat now. We are practical men, and we are men of common sense. He (*Mr. Redmond*) apparently, invites us to go on year after year passing resolutions of this sort, which do not advance the cause one whit, and he invites us also to promise and pledge ourselves before the world that, whatever the situation or the circumstances may be, this shall be the very first subject with which we shall deal when we have the opportunity of dealing with any subject. The hon. gentleman knows perfectly well the conditions of public life and the instruments with which we work in public life. The Liberal party was described by its great leader as a great instrument for progress. It is a great instrument for progress, and the question is : How are we best to use that great instrument? The hon. member's idea of doing the best is to exhaust the patience of all the members of the party by continually striving to attain what is unattainable—what is for the moment unattainable, as I said in the words quoted, 'kicking against a stone wall'—while in the meantime all other questions, however urgent they may be to them, however deeply affecting their own interests and their conceptions of public policy, are to be set aside. So far from that being the most direct and straight and immediate way of helping Home Rule, it is the very way to hinder it. The proper way is to retain—and as long as I have connection with it I shall endeavour to retain—the force and energy of the Liberal party and be ready to apply it, when opportunity offers, to such a subject as it seems most likely capable of being effectively applied to. Our principles are well known. They have been declared over and over again. The only question that remains is as to the method of their application. Of the most effective method of their application we have a right to retain our judgment. That right I am not willing to surrender either to the hon. member for Waterford or to any hon. friend behind me who is strongly in favour of any particular reform, because, as I say, the true way to accomplish success in legislative reform is to apply your forces at the proper moment in the right direction."—(*House of Commons, February 16th*, 1899.)

**1902.**—On January 24th Mr. John Redmond (by this time the leader of a United Irish Nationalist party) moved an amendment to the Address, the concluding paragraph of which was :—

"And finally to represent to Your Majesty that the government of Ireland is not supported by the opinion of the vast majority of the people of Ireland, and that the condition of that country demands the serious and immediate attention of Parliament, with a view to the establishment of harmony between the Government and the great majority of the people."

Lost by 237 to 134. The bulk of the Liberal party voted in the minority, including Sir H. Campbell-Bannerman, Mr. Herbert Gladstone, and Mr. John Morley. No Liberal voted in the majority.

**1903.**—After Mr. Wyndham's Land Bill had been introduced in 1903, Mr. John Redmond made the following remarkable declaration as to the propriety of discussion on Home Rule:—

"He desired to depreciate the mixing up of the question of Home Rule with the question of this Bill. He had noticed with some anxiety that certain prominent leaders of the Liberal party had intimated that they intended as far as they could to mix up the question of Home Rule with the question of the Land Bill. . . . He believed that a settlement of the land question would remove the most formidable obstacle in the path of Home Rule, and would be an enormous step along the road to it; but he desired to say that in his view the suggestion put forward by Mr. Lloyd-George and other Liberal leaders that this Bill, in order to be satisfactory, must be accompanied by Home Rule, was a dangerous suggestion, which, while it could not advance Home Rule, was exceedingly likely to wreck the chances of a land settlement. He saw no reason why he should hesitate to express quite candidly his own opinion upon the present situation; and that was that, in the words of Mr. Wyndham himself, this Bill was an honest attempt to deal with the Irish land question, and that Ireland ought to be prepared to give to that attempt a fair trial."—(*Dublin, April 8th*, 1903.)

## 2.—THE FINANCIAL RELATIONS BETWEEN GREAT BRITAIN AND IRELAND.

In 1894 Mr. Gladstone appointed a Commission to consider the financial relations between Great Britain and Ireland. That Commission reported in the autumn of 1896. As is usually the case, the Commissioners found themselves unable to sign any one detailed report, but all, with the exception of Sir Thomas Sutherland and Sir David Barbour, agreed to the following five conclusions:—

I. That Great Britain and Ireland must, for the purpose of this inquiry, be considered as separate entities.

II. That the Act of Union imposed upon Ireland a burden which, as events showed, she was unable to bear.

III. That the increase of taxation laid upon Ireland between 1853 and 1860 was not justified by the then existing circumstances.

IV. That identity of rates of taxation does not necesarily involve equality of burden.

V. That, whilst the actual tax revenue of Ireland is about 1-11th of that of Great Britain, the relative taxable capacity of Ireland is very much smaller, and is not estimated by any of us to exceed 1-20th.

The natural result of this finding was a demand on the part of Irishmen —Unionists as well as Nationalists—for a remedy for the grievance found by the Commissioners. In the first instance the Government decided to appoint a Commission (No. 2) to re-find the facts already found by Commission (No. 1). "Royal Commissions are no good," says Lord Salisbury in effect, "*if you want a grievance to be remedied*," but another Commission was his answer to the Irish demand, as made in Mr. Blake's motion on March 29th, 1897. As a fact that Commismission was never appointed, for the Government succeeded in burking the question by their financial proposals in the Local Government Act of 1898. When the English Rating Act was passed in 1896 it was proposed to give Ireland a proportional grant of £180,000, which was not to be devoted to agricultural purposes. This implicity recognised

that Ireland was a separate financial entity—that Ireland was not one great "common country" with England. The Irishman, however, said:—

(1) If our proportional grant to correspond to the money given to England by the Rating Act is to be £180,000 you admit we must be treated on a separate footing financially. In that case you must carry out the findings of the Royal Commission, which says that if Ireland is a separate financial entity she is overtaxed.

(2) But if you decline to do this, our "common country" agricultural grant would be three-quarters of a million. Are you prepared to give it to us?

The Government chose the latter alternative as their way out, and very cleverly from the point of view of "taking care of their friends" gave Ireland in the Local Government Act £730,000 a year in remission of half the agricultural rates, £315,000 of which went straight into the landowners' pockets. To this extent the Financial Relations question has been dealt with, whilst in connection with the Irish "equivalent grant" for the money given to England and Wales by the Education Act of 1902 Mr. Wyndham announced that for the future these grants would be calculated on a basis of population instead of taxable capacity. The general question remains unsolved and untouched. Sir William Harcourt, speaking on a resolution moved by Mr. John Redmond, said:—

"What I hope is now established on both sides of the House, in a manner which cannot be assailed, is that the fundamental principle of financial reform, whether in Ireland or England, is the principle consecrated in this covenant of the Union—that people should be taxed in proportion to their means of bearing the burden. That is a proposition which is not peculiar to Ireland alone. It applies to the poorer classes in England as much as it does to the predominantly poorer classes in Ireland, and it is on that principle alone that you can meet questions of this complexity. This is a difficult question, and no one can deny, either, that it is one which cannot be set aside. We must endeavour to find some satisfactory solution. . . . This question cannot be dealt with by peddling remedies, or by denying the solidity of the claim in both cases. It cannot be met by throwing a bone here or a sop there. It can only be dealt with by adopting some wise, broad, and sound principle of financial reform; a principle simple in its character and universal in its application—that the burden of your taxation should be laid in proportion to the bearing power of the classes or the countries to which it is applied. And, adhering to that principle, and making it of universal application, you will be able to redress the admitted grievance of Ireland, and also the grievance, which is not less, of other parts of the United Kingdom. That is the principle on which I think you ought to proceed, and in conformity with that principle I shall certainly support this resolution. I shall certainly support this resolution, because it does declare that there is a grievance in Ireland which has been specially reserved; a system of that kind will redress that grievance; and I think it no disadvantage that in redressing that grievance we shall redress the grievance of others who have an equal right to complain."—(*House of Commons, July 5th*, 1898.)

In other words, rearrange the incidence of taxation on equitable lines, and *ipso facto* the Irish grievance ought to be solved. These same

considerations were very clearly brought out in a speech by Mr. Edmund Robertson in 1902 :—

"The one fact that Ireland as a separate financial entity was contributing far more than this country, and the other fact that no man was taxed more in Ireland than he would be in England, constituted together the paradox of the present financial situation. But this must be true ; that if every individual taxpayer in Great Britain and Ireland were taxed exactly in proportion to his taxable capacity, there would be complete equality of taxation between the two countries even regarding them as separate entities. The complaint would be removed if they could adjust the taxation of individuals so that each individual would be exactly taxed according to his capacity. It was indirect taxation which had this inevitable result of individual inequality and which worked out and remained as an inequality between the two countries. Both in Great Britain and in Ireland the burden of this inevitable inequality fell upon the poorest of the poor. The evil had been intensified by the financial policy of which the Chancellor of the Exchequer had made himself the exponent, the policy which was called broadening of the basis of taxation. They were supposed to be dealing with an Irish case, but it ought not to be regarded as exclusively Irish. He admitted that the grievance had been proved, and would vote for the resolution if only as an expression of his belief that a state of things had been proved which did, in some sort of way, demand the attention of the House and the country. But Irish members had been content to prove the grievance without propounding any remedy themselves. He should like to know what it was the Irish members would ask him to vote for in consequence of supporting this resolution? He was not going to rush in where Irish members, he would not say had feared to tread, but had avoided treading ; but he wanted to make some suggestions as to the conditions which seemed to him to be required in regard to any remedy that might be proposed. He did not think any remedy was admissible which would involve financial confusion between Great Britain and Ireland. He thought, also, that no change was admissible which might redress the balance of taxation and yet not remedy the individual grievance. They might abolish the income-tax in Ireland, and so redress the balance of taxation, but he did not suppose that the members for Ireland wanted that. (Mr. T. M. Healy : *Yes, we do.*) He did not see how the poor of Ireland were to gain by the abolition of the income-tax, although its abolition would redress the more financial inequality that now existed between the two countries. He did not think, either, that any remedy would be right which, although redressing the financial balance, would aggravate the evil that now existed in Great Britain—he meant advances made for Irish purposes involving an increase in indirect taxation upon the poor of this country. What, then, was to be done? He did not say this would be a complete remedy, but it would be a beginning, at all events—the establishment of what he would call a genuine system of democratic finance for Great Britain as well as for Ireland. There would be involved in that, to begin with, the seizure of all the monopoly values, vast in their amount, which were suffered to exist in both countries, and, through them, relieve indirect taxation. The poor in Great Britain suffered under the present system enormously, and they were entitled to redress, in some shape, for the inevitable injustice that followed from the system under which they were taxed at the present moment. He would appeal to hon. members for Ireland, in urging the admitted grievance from which they suffered, not to separate themselves from the people of Great Britain, who also suffered under the same grievance."—(*House of Commons, July 25th*, 1902.)

## 3.—AN IRISH ROMAN CATHOLIC UNIVERSITY.

The two most important things that have happened in this long-standing controversy are (*a*) Mr. Balfour's Manifesto in 1899, and (*b*) the Royal Commission of 1901.

### A.—MR. BALFOUR'S MANIFESTO, 1899.

Mr. Balfour, early in 1899, launched a manifesto in favour of constituting two new Irish Universities. There would then be:—

1. TRINITY COLLEGE, DUBLIN, with a *Protestant* "atmosphere."
2. ST. PATRICK'S UNIVERSITY, DUBLIN, with a *Roman Catholic* "atmosphere."
3. BELFAST UNIVERSITY (absorbing Queen's College), with a *Presbyterian* "atmosphere."

Both the two new Universities (Nos. 2 and 3), like the old (No. 1), would be "rigidly subject to the Test Acts; all scholarships and fellowships paid out of public funds would be open to competition, irrespective of creed; no public endowment would be given to chairs in philosophy, theology, or modern history; professors would have a right of appeal against unjust dismissal; and the number of clergy on the governing body would be strictly limited." Mr. Balfour added:—

"That the scheme thus sketched out violates no accepted principle of legislation, that it confers no exceptional privilege upon any particular denomination, I hold to be incontrovertible. . . . For myself, I hope it will be granted, and I hope it will be granted soon. I hope so, as a Unionist, because otherwise I know not how to claim for a British Parliament that it can do for Ireland all, and more than all, that Ireland could do for herself. I hope so as a lover of education, because otherwise the educational interests both of Irish Protestants and of Irish Roman Catholics must grievously suffer, and suffer in that department of education the national importance of which is from day to day more fully recognised. I hope so as a Protestant, because otherwise too easy an occasion is given for the taunt that, in the judgment of Protestants themselves, Protestantism has something to fear from the spread of knowledge.'

We express no opinion here on the scheme, but it should be pointed out that Mr. Balfour's appeal was in form and substance one to his own side. He seemed to be pleading with the Tory who would be delighted to take State money for Protestantism but objects to spending it on Roman Catholicism. So far as Liberals are concerned, the questions are entirely different; they are rather: (1) Does Ireland want the suggested scheme? (2) Is the matter one which Irishmen can decide for themselves without detriment to the rest of the country? (3) Is there any obligation on Liberals to give Ireland something of which they may disapprove on the merits, but which, under Home Rule, Ireland would certainly choose for herself? These are questions upon which Liberals differ just as Tories do. The Duke of Devonshire quickly differed from Mr. Balfour:—

"Mr. Balfour has always been careful to explain that the views which he entertains on this subject are his own personal opinions; that the Government is not in any degree pledged by any declarations which he has

made. I think I may say there are many members of the present Government who feel just as strongly opposed to these views as he feels strongly in their favour. I should be extremely surprised if, during the existence of the present Government, any practical measure dealing with this subject is brought forward."—(*Liberal Unionist Council Meeting, March 16th*, 1899.)

It need only be added that the Duke of Devonshire has proved to be a true prophet.

## B.—THE ROYAL COMMISSION OF 1901.

The Commission (appointed in 1901) was constituted as follows :—

| | |
|---|---|
| Lord Robertson (*Chairman*). | Professor J. A. Ewing. |
| Lord Ridley. | Professor John Rhys. |
| Dr. J. Healy. | Professor R. H. F. Dickey. |
| Mr. Justice Madden. | Professor J. L. Smith. |
| Sir R. C. Jebb, M.P. | Mr. W. J. M. Starkie. |
| Professor S. H. Butcher. | Mr. Wilfred Ward. |

The following is a summary of the Commission's Final Report.

### The Royal University System.

In Ireland there are two Universities, viz., the University of Dublin, of which Trinity is the only College, and the Royal University of Ireland. Since the establishment of the latter the "Catholic University of Ireland" has been practically inoperative, although nominally it exists as an association of certain colleges which prepare students for the Royal University examinations.

The Commission decided "that the terms of our reference, in excluding Trinity College, Dublin, did not permit us to regard the University of Dublin as being within the scope of our enquiry." The bulk of the report therefore deals with the Royal University system. This University, founded under the University Education (Ireland) Act, 1879, confers degrees in all the usual faculties except Theology, on every student who passes its prescribed examinations, irrespective of his place of education. In its governing body—the Senate—the balance has to be strictly maintained between Protestants and Roman Catholics, and this even balance principle is even extended to the appointment of Fellows, Examiners, etc. The Fellowships of the University are distributed among five colleges—the three State-endowed Queen's Colleges, of Belfast, Cork, and Galway, University College, Dublin, and the Magee Presbyterian College, Londonderry. The courses of these colleges are, of course, framed to suit the requirements of the Royal University, but of the number of students who annually pass its examinations only a small minority are trained in these colleges; the greater part are educated "privately or in other institutions." There are several other colleges, but the Commission only examined two important institutions, viz., the Roman Catholic Ecclesiastical Seminary of Maynooth, whose students do not, as was originally intended, compete for the Royal University degrees, and the Royal College of Science for Ireland, which, in 1900, was placed under the control of the Department of Agriculture and Technical Instruction for Ireland.

FAULTS OF THE EXISTING SYSTEM AND THE RELIGIOUS DIFFICULTY.

The Commission comments upon the entire lack of any Academic training in the Royal University, which is solely an examining body, and also upon faults arising from its peculiar organisation, due largely to the attempt to balance the two religions in all appointments and offices. But the greatest defect in the system is the fact that the Roman Catholic Hierarchy have condemned the three State-endowed Queen's Colleges as being intrinsically dangerous to faith and morals. T.C.D. is of course in the same category. "The result is," say the Commissioners, "that the Roman Catholics of Ireland, forming 74 per cent. of the whole population, a large number of whom are interested in the question, are totally unprovided with any adequately endowed University education of which they are willing to avail themselves." In emphasising the evils, social and economic, arising from the want of higher education they point out that "from the religious difficulty it has as a matter of fact resulted that a comparatively small number of the Irish population go to college at all; from the defective system of the Royal University it has resulted that the education supplied to those who go is not what it should be. . . . The one College—University College, Dublin—which meets with the entire approval of the Roman Catholic Church is crippled on the side of the practical sciences. It has no funds for the equipment of laboratories."

SCHEME RECOMMENDED BY THE COMMISSION.

The report then discusses the two alternative schemes open to them, viz., a separate Roman Catholic University or a reconstruction of the Royal University with a new Roman Catholic College added. The latter alternative is the one that, in the opinion of the Commissioners best meets educational needs. *They therefore recommend a federal teaching University with four constituent colleges—the three Queen's Colleges and a new Roman Catholic College.* Changes in the organisation of the University and the Queen's Colleges are suggested so as to remove religious difficulties and improve their educational system. In referring to the proposal for a new Roman Catholic College, the report says that "it is claimed that this is not truly open to the objection that it introduces denominational endowment into the university system of Ireland, for that has been done already. This is a salient point, and in any impartial representation of the subject it must receive high prominence. The college in Dublin which bears the name of University College, and is conducted with much ability by Dr. Delany and other Jesuits, receives, and has received for more than twenty years, £6,000 a year out of the moneys provided by Act of Parliament for University purposes. . . . If, indeed, the course of least resistance were followed and the Roman Catholic claim were limited to a further subsidy of Dr. Delany's College, and its recognition as a constituent college, it is hard to see upon what ground of principle it could be resisted. Yet the fact that not this, but a new college is proposed, arises primarily from the meagre scale of the existing College making it unsuitable for expansion," The new college would be in Dublin, but it would be expected to draw

students from all parts of Ireland; it would be adequately equipped and endowed, and in sketching out its constitution, the Commissioners lay stress on the fact that if a separate college for Roman Catholics is desirable, provision must be made for protecting the Roman Catholic faith within its walls.

In concluding their recommendations the Commission regrets that it cannot see its way to any proposal for bringing Maynooth and Magee Colleges into the new University.

The report approves of women students being admitted to examinations and degrees on the same footing as men students, and suggestions are made for the co-ordination of Primary, Secondary, and Technical Education.

Only one member of the Commission found himself unable to sign the report, but eight notes are appended, signed by different members, dealing chiefly with the scheme recommended.

## 4.—IRISH REPRESENTATION.

A certain number of members of the Unionist party have for some time past been very anxious to cut down the Irish representation, admittedly higher than it would be on a mere population basis. The attitude of the Irish members during the war led to a great deal of tall talk on this subject, which reached its culminating point at the great Blenheim Park Demonstration in August, 1901, when Mr. Chamberlain was made a really "honest" Tory of by being allowed to appear on a Primrose League platform by the side of Mr. Balfour. The two Unionist leaders each made a remarkable speech worthy of a remarkable occasion. Mr. Balfour said:—

"We have it from the leaders of the Irish party—gentlemen who in my opinion are worthy of better things—we have it from the leaders of the Irish party that they have little hope from general elections, from great movements, from public opinion in this country, but they mean to torment, to worry, to annoy the British House of Commons until the British House of Commons says 'We have had enough of you, and almost at any cost we will get rid of you.' They have mistaken their men. I do not deny their power of annoyance, though I think we have diminished that, and though *I trust that we shall diminish it yet more in the future.* But it is folly to suppose, in my judgment, that methods of this kind will alter the course of history, or will induce this country to adopt a policy to which it is unalterably opposed. We will neither sacrifice our Empire to the Boers nor our Constitution to the bores."—(*Blenheim, August 10th*, 1901.)

Mr. Chamberlain said:—

"We still believe that they (*the Liberal party*) are willing as before to sell the interests of the country for 80 Irish votes. And what is the Irish party? It consists of 80 persons, more or less, who have all taken the oath of allegiance, and who openly avow themselves to be the enemies of this country. Pretty allies for an English party! It is led by a gentleman who only a few days ago in the House of Commons prayed God that the resistance of the Boers might be prolonged that they might be revenged upon the British Empire, and that once more the Republics might regain their independence and their freedom. Well, Great Britain is strong enough to be contemptuous of this toyshop treason, which takes advantage of our toleration in order to shout for the Mahdi, or King Prempeh, or President

Kruger, or anyone else with whom we may happen to be engaged in hostilities. . . . If you had watched over proceedings, if you looked to our divisions, you would find night after night that the Radicals, and, I am sorry to say, many of the Liberal Imperialists also, troop into the lobby at the tail of Mr. Swift MacNeill and his colleagues, and give them at all events a tacit assent and approval of their proceedings. It is my conviction that the nation is taking note of these proceedings. I think they expect that the mother of Parliaments will know how to defend herself against these attacks—attacks by men *who by our liberality come to us in numbers altogether disproportionate to the wealth, to the intelligence, and to the population which they represent. But this great question, which has now become urgent, was not before you at the last general election.*"

Only three days later these brave words received an apt commentary in the proceedings on the report stage of the Factory Bill. Mr. Ritchie moved the omission of the whole clause dealing with laundries —that is to say, he completely surrendered to the Irish Nationalists. Mr. Balfour and Mr. Chamberlain, for all their Blenheim oratory, "trooped into the lobby at the tail of Mr. Swift MacNeill and his colleagues."

The sequel to Blenheim practically destroyed the movement for cutting down Irish representation, the more particularly as the Irish Nationalists were amongst the most faithful of the supporters of the Education Act of 1902. As to the merits of the case Mr. John Morley has (in the *Times*) stated that he happened to be sitting next to Mr. John Bright, when the latter said :—

"Nothing on earth will ever persuade me, until I see it done, that this Imperial Parliament, which is representative of the people of Great Britain, will lessen the just, the Act-of-Union settled representation of Ireland in this House. . . . For myself, I am determined to stand by the Act of Union. Nothing shall persuade me to vote for any smaller number ; and if by reason of the separation of Ireland from Great Britain, the difficulties of intercourse, and the less power they have to influence Parliament and opinion in this country, it be thought necessary by the Government to keep the representation as it is, I shall have no difficulty in supporting it."—(*House of Commons, March 24th*, 1884.)

Mr. Morley added by way of comment of his own :—

"When he made his emphatic declaration that the 'Act of Union is final with regard to this matter,' Mr. Bright had not forgotten the section in that instrument which for ever bound the Protestant Episcopal Church in Ireland to the Established Church of England. His answer to this objection was that the Act of Union was a treaty. It was a treaty, he proceeded, made by the powerful nation and offered to the weaker nation. Therefore the powerful party to the treaty was justified in surrendering to the weaker party terms imposed against the will of the majority of Irishmen ; the more powerful party was not justified in taking away from the weaker any of the advantages which the treaty had conceded. Such was Mr. Bright's judgment, pronounced in the last important speech ever made by him in that assembly where he had for forty years been so lofty and impressive a figure. The argument may be bad or good, but at least you cannot say that it is settled offhand by plain intelligence."

As it has been put, because you vary a treaty (or contract) to the *advantage* of one of the signatory (or contracting) parties it does not follow that you can vary it to his *detriment*.

CHAPTER XV.

# WALES.

Since the last Liberal Government quitted office in 1895, not one of the reforms specially desired by the people of Wales has received attention. There have been eight Speeches from the throne, and the case of Wales is not even remotely alluded to in one of these speeches. No step has been taken to right wrongs against which a great majority of Welsh people have repeatedly protested in the only constitutional way open to them. In no part of the United Kingdom has public opinion on certain great questions been more clearly or more emphatically expressed than in Wales.

## RELIGIOUS EQUALITY.

During the last six general elections, this has been, in one form or another, the predominant question in Wales, and the educational phase of the subject promises to overshadow every other topic at the next election. The enormous majorities obtained by candidates favourable to Disestablishment prove clearly, if proof were needed, that the Welsh people are determined to free their Church from the control of the State, and to place all denominations upon an equal footing in the eye of the law. But so far from taking a single step in the direction of justice to Wales, the Government have had the hardihood to strengthen the establishment and augment the endowment of the Church of England in Wales by such measures as the Benefices Act, which has strengthened the powers of the Bishops, the Clerical Tithe Act, which relieves the clergy of payment of one-half their rates, the Voluntary Schools Act, placing national funds, which can be used for proselytising purposes, under the control of the clergy, and the so-called Education Act of 1902. Most of these measures are unjust in England, where the Tories have made use of their temporary majority for the permanent enrichment of their clerical supporters, but the injustice is multiplied tenfold in the case of Wales, where there is a permanent majority against such measures. No greater insult or injustice could be offered to Wales than the introduction of such Bills, in defiance of the constitutional protests of the Welsh people. It should be noted that the Government has, moreover, plainly intimated that they will do nothing in this matter. Sir M. White Ridley said with reference to the Church and the land:—

"If they desired those questions dealt with separately for Wales, they must get other people to do it."—(*House of Commons, February 13th*, 1899.)

Wales did her best to "get other people to do it." Although the Government, taking the fullest advantage of the war fever, dissolved

Parliament at the most favourable time possible, they lost some seats in Wales, in others their supporters had the utmost difficulty in holding their own, and they now have only six supporters out of thirty-four Welsh members. There is every probability that, at the next general election, the Liberal representation of Wales will be still further increased.

## TEMPERANCE REFORM.

This is a question in which the people of Wales are deeply interested. They believe in the popular control of the liquor traffic. A Private Bill to that effect has been before the House on two occasions. On one occasion 25 Welsh members voted for it and only 2 against it. On another occasion 25 Welsh members supported the Bill and only 1 opposed it. Could anything more clearly demonstrate the views of the Welsh people on the temperance question? But this Government has not only refused to grant Wales the power to control the liquor traffic, it has even refused to pass a Bill amending the Welsh Sunday Closing Act in accordance with the unanimous recommendation of a Royal Commission appointed by a Tory Government. It has been left to a private member to bring in a Bill for 12 years in succession for the amendment of the Act. In the Session of 1900 the Bill was read a second time without a division, but the Government show no sign of adopting this non-controversial and urgently needed Bill, and unless they do so its prospects of passing into law are hopeless.

## THE LAND QUESTION.

The agricultural population of Wales have long agitated for Land Reform. Mr. Gladstone in 1893 appointed a Welsh Land Commission, which reported in 1896. As usual there were two reports, the majority and minority, but all the Commissioners signed a large number of important recommendations. It was particularly with regard to these that Lord Carrington in 1899 wanted to know if the Government intended to do anything by way of legislation. It must be admitted that there was at least no ambiguity about Lord Salisbury's reply:—

"I only wish to say, in answer to the noble lord, that we have not the slightest intention during the present Session of attacking the Welsh agrarian question, and I do not venture to prophesy when that question will be dealt with. I do not myself think that it is desirable to have an agrarian measure for Wales. When the Irish question was put before us we were always told that Ireland was a highly exceptional country, and that the precedents which were created then would not be employed to the injury of property in this island. I am afraid that I always thought this too sanguine a view, but, at all events, such reasons as there were, to which I never attached any value, for the Irish Act in no way apply to Wales. The proposal of the noble lord was, I think, enveloped in unnecessary complications. He tried to persuade us that he was simply the mouthpiece of the Commission at the moment when it became unanimous, but he gave us a speech which, if it had meaning or object at all, must have pointed—and I do not think he denied it—to the erection of a land Court with compulsory powers. That is, to give to some persons a right to take money out of the

pockets of the landlord and to put it into the pockets of the tenants."—(*House of Lords, June 20th*, 1899.)

Surely the real question is—in whose pocket ought the money to be? If the money comes into existence as the result of the tenant's industry and husbandry, we should have thought that it properly went into his pocket. The favourite Tory operation is just the reverse—to take money out of the taxpayer's pocket and put it into the landowner's. On the 24th March last the House of Commons unanimously resolved, "That in the opinion of this House the unanimous recommendations of the Welsh Land Commission demand the immediate consideration of Parliament," but Welshmen have long ago realised that they have nothing to expect from the present Government in the way of land legislation.

## PRIVATE BILL LEGISLATION.

The commercial community in Wales have repeatedly asked for cheaper and simpler Private Bill Legislation, the cost of which strangles in their very birth many important enterprises which would benefit large classes of the community, but the Government would not extend to Wales their Bill, which applied to Scotland. They would not even spend the few pounds required to obtain a return asked for by the Welsh members, showing the enormous cost to Wales of the present wasteful system.

## THE ONE WELSH BILL.

The only Bill specially relating to Wales passed since 1895 is the Berriew Bill, affecting a single Welsh parish. When the voice of the parish was taken 349 County Council electors out of a total electorate of 381 signed a petition against it. That Bill, opposed by the people of the parish affected in the proportion of 12 to 1, was pushed through its various stages in the teeth of the strongest opposition. Needless to say it was a clerical Bill! That is the way in which a Tory Government treats Wales. The unanimous recommendations of Royal Commissions are rejected, the fully ascertained and clearly expressed wishes of the people are flouted. Two classes, and two only, in Wales are favoured by this Government—the landowners and the clergy. To add wealth to wealth and privilege to privilege, to violate some of the deepest convictions of the Welsh people—that has been the task of the Government and well have they performed it.

CHAPTER XVI.

# THE HOUSE OF LORDS.

"I will ask you what would have become of the country if the Lords—the majority of the Lords—had ruled unchecked for the last 50 years? (*A Voice:* 'A revolution.') By this time the country would have been enslaved or ruined, or a revolution would have swept them away—it might possibly have swept away even the venerable monarchy itself."

**John Bright** *August 4th*, 1884.

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"During the last 100 years the House of Lords has never contributed one iota to popular liberties or popular freedom, or done anything to advance the common weal. . . . It has protected every abuse and sheltered every privilege. It has denied justice and delayed reform. It is irresponsible without independence, obstinate without courage, arbitrary without judgment, and arrogant without knowledge."

**Mr. Chamberlain,** *August 4th*, 1884.

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". . . Their claim to dictate the laws which we shall make, the way in which we shall govern ourselves—to spoil, delay, even reject measures demanded by the popular voice, passed after due discussion by the majority of the people's House, . . . is a claim contrary to reason, opposed to justice, and which we will resist to the death. . . . The House of Lords has become, so far as the majority is concerned, a mere branch of the Tory Caucus, a mere instrument of the Tory organisation."

**Mr. Chamberlain,** *October 7th*, 1884.

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"I believe that the feeling which exists in the majority of the Liberal party with regard to the House of Lords does not arise from the fact that the House of Lords is an hereditary body or an aristocratic body, but from this, that they are a permanent Conservative or High Tory Committee. . . . I say that a legislative body having a permanent majority belonging to one political party in the State is a danger to that body itself."

**Mr.** (now **Lord**) **Goschen,** *September 18th*, 1885.

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"Lord Salisbury forgets that the Chamber in which he leads ought not to be used for mere party purposes. . . . He seeks to convert it into an additional wing of the Carlton Club."

**Sir Henry** (now **Lord**) **James,** *July 6th*, 1884.

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We have headed this chapter with the above quotations not so much with any desire to criticise the authors of the speeches of which

they form part, but rather because in these quotations the anomalous position of the House of Lords is so clearly, determinedly, and uncompromisingly stated. Its tendency to become more and more a branch of the Tory party, to pass any legislation however revolutionary sent up to it by Ministers of that party, and to block all the really progressive legislation of Liberal Governments has culminated in latter years in a state of affairs intolerable to the Liberal party, constituting the Lords "an anomaly and a danger" which clamours for treatment before a Liberal Government can really be effective for the fullest possible amount of good.

Ancient history is not within the purview of the Handbook, but a few instances of the dangers of an unrepresentative and irresponsible Upper Chamber, consisting almost solely of the land-owning class of the country, surrounded from the cradle to the grave with class prejudices, and with little or no inducement to the exercise of those qualities which bring men to the front benches of the House of Commons, may not be out of place.

The House of Lords delayed the Act for the abolition of the death penalty for forgery in 1832, and again in 1839. It refused to allow law of seditious libel to be amended in 1844, maintaining the principle that charges made against the Government, though true, and for the public advantage, was a libel. It rejected the Bill proposing to give the plea of privilege to reports of meetings, etc., in 1858, and again in 1860.

Between 1845 and 1881 it either rejected or mutilated a number of Irish Land Bills calculated to alleviate the admittedly pitiable condition of the Irish peasant and tenant farmer.

During the whole of that time it repeatedly prevented the reduction of the Irish franchise so as to put it on the same basis as the English. It is not too much to say that the treatment of Ireland by the House of Lords is largely the cause of its present unhappy state.

It was only in 1829, after repeated rejections, that the Lords passed the Catholic Relief Bill "reluctantly, ungraciously, under duress, from the mere dread of civil war." The Penal Laws remained unrepealed until 1844 owing to the Action of the Lords.

In 1835 the Commons proposed to repeal the penal law which permitted any scoundrel married by a Catholic priest to repudiate his wife when he pleased by proving that he had attended a Protestant place of worship within twelve months of his marriage. The prostitution of the Marriage Service for purposes of seduction in the name of Protestantism was maintained by the Lords by a majority of 42 to 16.

Every attempt at Parliamentary reform has been thwarted by the Lords. They repeatedly refused to pass Bills disfranchising corrupt boroughs, Lord Ashburton once protesting against the idea that a borough should be disfranchised for treating—"ordinary treating."

The Ballot Bill was first of all thrown out by the Lords, and was not passed without an attempt to render secret voting optional.

In 1871 University Tests were abolished, Bills with that object having been rejected by the Lords in 1867, 1869 and 1870.

The Jewish Disabilities Bill was only passed in 1858 after having been rejected by the Lords in 1833, 1834, 1836, 1848, 1851, 1853, and 1857.

These are only a few examples culled from "Fifty Years of the House of Lords,"* from which the record at length of the Lords may be gathered.

## THE HOUSE OF LORDS AS A STANDING COMMITTEE OF THE TORY PARTY.

"I venture to assert that if you look at the action of the House of Lords for the last sixty years, you will find that it has judged measures when they have come before it, not by reference to their character, not by reference to their consequences, but by reference to the quarter from which they proceeded. There is no greater fallacy than to imagine that the House of Lords affords any effective safeguard against rash and revolutionary legislation . . . there is no leap so long, no darkness so impenetrable, but the House of Lords is perfectly prepared to make the one and to plunge into the other at the bidding of a Tory Prime Minister. The effectiveness of this drag upon the democratic coach only comes into view, only makes itself felt, when you happen to have a Liberal Government in power, and a Liberal majority in the House of Commons."

**Mr. Asquith,** *at Glasgow, October 17th,* 1893.

"But the Lords are also a partisan body, who invariably act in the interests and at the bidding of one party in the State, the party to which nearly 19-20th's of them belong. What is the working of such a system? If the Tory party has a majority in both Houses, the Lords simply register the decisions of the Commons. There is then not only no conflict, but scarcely even a suggestion of amendments. But if the Liberal party has a majority in the Commons, the Lords become a mere tool of the Tory party for the purpose of maiming or rejecting Liberal Bills. We are told that the Lords stop bad measures. But what measures, however bad, have they ever stopped which emanated from a Tory Government? It is only by assuming that all Liberal measures are bad, and all Tory measures good that the Lords can be justified. Now there is probably not a single constitutional change proposed by the Liberal party during the last eighty years which the Lords have not opposed, and there is not one of those which is not now approved by the country."

**Mr. Bryce,** *at Aberdeen, December 17th,* 1894.

"It is said that I have alleged that this House will pass a measure when introduced by a Conservative Government, and will reject the same measure introduced by a Liberal Government. I have said that. I repeat it, I believe it, and I can prove it. The noble Duke (*of Argyle*) confessed the whole charge in the words with which he began his speech. Alluding to this Bill (*Factories and Workshops Bill*) he said: 'I am glad the noble Marquis has seen his way to allow it to pass.' Yes, those measures pass which the noble Marquis sees his way to allow to pass, but any others have no chance. That is the point on which we have insisted, and I am glad to find it supported by the noble Duke."

**Lord Herschell,** *House of Lords, July 5th,* 1895.

* To be obtained for 3d., *post free,* from the Liberal Publication Department, 42, Parliament Street, S.W.

Of course, these Liberal leaders were reviewing the past, but in the light of subsequent and recent events, their criticism is in the nature of prophecy, now fulfilled. Here is the record of how, for the last thirty-four years, the House of Lords has treated Bills carried through the House of Commons by Liberal Governments, and Bills passed through the House of Commons by Tory Governments :—

| LIBERAL MINISTRIES. | TORY MINISTRIES. |
|---|---|
| 1869—1874. | 1874—1880. |
| UNIVERSITY TESTS BILL **rejected** (twice). | |
| LIFE PEERAGE BILL **rejected.** | |
| BALLOT BILL **rejected** and subsequently **mutilated.** | **Nothing.** |
| ARMY PURCHASE BILL **defeated.** | |
| RATING (LIABILITY AND VALUE) BILL **rejected.** | |
| 1880—1885. | 1885. |
| COMPENSATION FOR DISTURBANCE (IRELAND) BILL **rejected.** | |
| LAND ACT (IRELAND) **mutilated.** | **Nothing.** |
| ARREARS ACT (IRELAND) **mutilated.** | |
| AGRICULTURAL HOLDINGS ACT **mutilated.** | |
| FRANCHISE BILL **rejected.** | |
| 1885—1886. | 1886—1892. |
| | **Nothing.** |
| 1892—1895. | 1895—1900. |
| HOME RULE BILL **rejected.** | |
| EMPLOYERS' LIABILITY BILL **mutilated and lost.** | |
| PARISH COUNCILS ACT **mutilated.** | |
| LONDON IMPROVEMENTS BILL **mutilated.** | **Nothing.** |
| SUCCESSION TO REAL PROPERTY AMENDMENT BILL (abolishing primogeniture) **rejected.** | |
| RAILWAY SERVANTS (HOURS OF LABOUR) ACT **mutilated** so as to exclude men employed in railway shops and factories. | |
| EVICTED TENANTS BILL **rejected.** | 1900—1903. |
| LOCAL GOVERNMENT (SCOTLAND) ACT **mutilated.** | EDUCATION ACT **amended in interests of the Church.** |

## THE LORDS' RECORD DURING THE PRESENT TORY GOVERNMENT, 1895–1903.

It might be urged by an apologist of the House of Lords that legislation introduced by a Tory Government was never of a kind that would be unpalatable to a Tory House of Lords. This plea would put on one side altogether the claim that the House of Lords now only acts in a judicial capacity—as trustee for the opinions of the people—but the history of the last eight years shows that the Lords are willing even to suppress their own convictions to oblige a Tory Government. In fact, time after time Lord James of Hereford must have recognised that the body he now adorns is indeed little more than an "additional wing of the Carlton Club." Everybody knows what would have happened if some of the Tory Bills passed by the House of Lords had been sent to that body by a Liberal Government. This will be realised from the following account of the Bills about which, since 1895, questions have arisen as between Lords and Commons:—

### (1) The Irish Land Act of 1896.

On this measure the Toryism of the Lords was sorely tried. At first their natural instinct to preserve the landlords' interests prevailed, and they inserted a number of destructive amendments. The Government made it clear that most of these amendments were unacceptable. The obedient Lords forthwith passed the Bill with only two or three comparatively minor amendments, and so ended what at the time was dignified by the title of "The revolt of the Peers." The *Standard*, in commenting on the original amendments of the Peers, said:—

"No ingenuity can make it appear that the Irish Land Bill has been wrecked because it was opposed to the general sense of the nation. It has been mutilated simply because it contained provisions to which a large number of peers objected as landlords, and against which other peers joined them in voting, because they yielded to the self-regarding calculations of class sympathy."—(*August 8th*, 1896.)

It is clear that—

(*a*) The instinct of the Lords was to amend the Irish Land Bill in their own interests, but

(*b*) They gave way merely so as not to embarrass a Tory Government.

### (2) The Workmen's Compensation Act of 1897.

It is safe to say that if this had been introduced by a Liberal Government the Lords would have regarded it as another instance of the Commons "misconducting" themselves, and would have treated it accordingly. Being introduced by the Tories there was no course open to the Lords but to accept it.

A typical example of the utter lack of independence and of consistency which is exhibited by the Lords when a Tory Government is in power was afforded by the treatment of the agricultural labourer. Lord Londonderry asked why agricultural labourers were excluded

from the Act, and "warned noble lords that its extension to agriculture was only a question of time," whereupon Lord Salisbury replied :—

"All the fears which the noble lord has expressed so freely that the principles we have adopted would be like a voracious monster going through the country swallowing up every class and subduing everything under its rule, might have been equally urged against the Ten Hours Bill. It might have been argued, 'If you introduce this for any workman, why not apply it for all? If you introduce it for women, it will have to be applied to men. You will not stop until you have placed every servant in the country under the protection of the Ten Hours Rule.' But these things have not happened. What we have to consider is whether the advantages we obtain outweigh the disadvantages. *I do not think that we should distrust ourselves and imagine that we cannot give proper restraint and proportions to the principles that we are accepting.*"—(*House of Lords, July 20th*, 1897.)

One would have thought that in their past record there was ample ground for no small amount of self-distrust. In this particular case the Tory Government have now consented to extend the Act to the agricultural labourers, and it will be interesting to see whether the Lords will give "proper restraint and proportions to the principles" of the original Act, or whether they will obey as usual the directions of their masters the Tory party.

### (3) The Irish Local Government Act of 1898.

The explanation why this great measure of reform safely passed the Lords is easy; their opposition was brought off in advance by giving the Irish landowners a sum of £300,000 a year on an agricultural "dole." [For full details see the chapter on "Finance" at page 25, and on "Ireland" at page 194]. It illustrates very well the anomaly of the House of Lords in a freely governed country that people should have to tax themselves to bribe an absolutely irresponsible body into acquiescing in a measure desired by the people themselves. Rightly considered, the circumstances under which the Irish Local Government Act became law are most damaging to any claim put forward on behalf of the House of Lords as a really important Revising Chamber. It exists to make good terms for the vested interests, particularly for the landed interest. Its price for the reform of local government in Ireland—promised by the Unionist party so long ago as 1886—was £300,000 a year for ever!

### (4) The Vaccination Act of 1898.

The conduct of the Lords in connection with the Vaccination Act should be carefully noted by every Liberal for its political significance, altogether apart from the merits or demerits of Vaccination itself. Here are the facts :—

1. The Vaccination Bill, *as introduced*, contains no clause allowing the "conscientious objector" not to have his child vaccinated.

2. In the House of Commons opinion was so strong in favour of allowing the "conscientious objector" not to have his child vaccinated, that the Government gave way, Mr. Balfour "throwing over" Mr. Chaplin on the point.

3. The Vaccination Bill was read a third time in the Commons on July 30th—by 133 to 29, the minority voting against the Bill as a protest against the insertion of the "conscientious objector" clause.

4. In the House of Lords when the Bill was considered in Committee, the omission of this clause was carried by 40 to 38 on the motion of Lord Feversham. Lord Salisbury spoke *for* the clause.

5. The Commons thereupon reinserted the clause by 129 to 34.

6. The Lords then reversed their original decision, and consented to the inclusion of the clause by 55 to 45. This they did as the result of a strong appeal by Lord Salisbury.

It was frankly admitted by the Ministerial Press that this action of the Lords was a serious blow at their much vaunted "independence." That the Lords act in one way to Liberal measures, in another way to Tory, had to be conceded even by those who are customarily the loudest to exclaim "Thank Heaven we have a House of Lords!" This will be seen from the following extracts from Ministerial journals of August 9th, 1898. The *Times* said:—

"The House of Lords does not possess the courage of its opinions. After expunging the conscientious objector clause from the Vaccination Bill by a majority of two, the peers have reinstated it by a majority of ten. . . . This is precisely the season at which the House of Lords can do effective work in revising the measures sent up from the Commons. . . . As supporters of a Second Chamber we cannot but regard it as unfortunate that the attendance of Peers, just when their power to compel revision of hasty legislation is greatest, should so rarely be indicative of real earnestness."

The *St. James's Gazette* said:—

"The House of Lords has done by its own hands what all the influence of Mr. Gladstone, great as it still was, all the loud scolding of Sir W. Harcourt, the philosophic Radicalism of Mr. Morley, and the envious Radicalism of others has failed to effect. It has cruelly maimed its own authority as a revising power in the State, and has justified those who insist that it ought to be only a registering body for the decrees of the House of Commons, even if it is allowed to exist at all."

The *Standard* said:—

"The result will be a disappointment to many people who had hoped that the Upper House would take this opportunity of insisting on the most valuable and important of its Constitutional functions. Here, if anywhere, was a case where a Chamber of Revision might have exercised its powers with perfect propriety and considerable public benefit."

The *Birmingham Post* said:—

"It was, we suppose, too much to expect that principle would outweigh party, even when the issue at stake was the risk of unlimited smallpox. . . . Not one unofficial voice was raised in favour of the clause, and as for Lord Salisbury's contention that they had no means of knowing what the opinion of the country was on the question, we can only say that if Lord Salisbury does not think it worth while to discover the current of public opinion on this, as on other subjects, he will most assuredly receive a very rough awakening at a time when he least expects it."

### (5) The Seats for Shop Assistants Act of 1899.

A Bill on this subject relating to Scotland passed through the House of Commons on April 26th, 1899. The Lords at the bidding of Lord Salisbury threw over the Scotch Office (which in the Commons had consented to the Bill) and rejected the Bill. The character of the arguments used may be judged of by the following extract from Lord Salisbury's speech :—

". . . I do not see the logical process by which we should confine it (*sitting down*) to warehouses and shops where female assistants are engaged in retailing goods to the public. *The image of the housemaid crosses my mind.* How often she must desire to sit down! Are you prepared to have an army of inspectors to examine the house of every householder to see that there are a sufficient number of chairs placed at stated intervals, so that at each moment of exhaustion the housemaid may sit down in comfort? I am afraid you will find you have undertaken more work than you can do."—(*House of Lords, May 4th*, 1899.)

In spite of this declaration, and the difficulty about the "logical process," and "the image of the housemaid," the Lords, later in the Session, went back upon their previous decision and passed the Shop Assistants (England and Ireland) Bill, not only passed it but *introduced into it an amendment* extending the Bill to Scotland.

### (6) The "Wear and Tear" Clause of the Education Act of 1902.

The Education Act furnished an instance of the way in which on occasions the mischief of Tory legislation is intensified by the House of Lords backed up by a Tory Government. The story of the "wear and tear" amendment is alike disgraceful to the House of Lords, to the Bishops, and the Government. When the Education Bill eventually went up to the House of Lords in December, 1902, it was to all appearances secure against any further encroachments upon the financial "bargain" between Church and State, agreed to (under closure) by the House of Commons, since it is a breach of the privileges of the Commons for the Lords to make amendments imposing charges on ratepayers or taxpayers. The Bishops, however, protested that an "injustice" would be done them unless the ratepayer was compelled to defray the cost of repairs as well as the cost of maintenance. The Bishop of Manchester produced some amazing statistics showing the intolerable strain of the cost of "wear and tear" repair on Voluntary schools, which were additionally impressive because in the excitement of the moment he forgot to divide by two, and thus made the cost to the Church double the amount he intended. Thus the "Children of Gibeon" (as Lord Rosebery called them) succeeded, against the protests of the Duke of Devonshire, in passing a financial and therefore unconstitutional amendment by a majority of 26. One would have supposed that any Government with a spark of courage would have made short work of this amendment. It had been carried against them; it touched the privileges of the Commons, of which they are the natural guardians. The Tory Government, on the contrary, thought only of helping the Bishops to dodge the privileges of the Commons.

With the consent of the Duke of Devonshire, the Duke of Norfolk, even after the Bill had been read a third time, proposed an addition to the Bishops' amendment, which, while making nonsense of it, paved the way for the final manœuvre to be executed by Mr. Balfour in the Commons. The amendment (with the Duke of Norfolk's addition in italics) now assumed this form :—

"Provided that all damage due to fair wear and tear in the use of any room in the school-house for the purposes of a public elementary day school shall be made good by a local education authority, *but this obligation on the local education authority shall throw no additional charge on any public funds.*"

The officials of the House of Lords actually had the hardihood to mark the nonsensical words in italics as "proposed to be omitted by the House of Commons," and omitted they were, when the Bill again reached the Commons, thanks to the complaisance of the Government. The incident illustrates only too well how much in hard cash it costs the country to be governed by a hereditary House, which makes it a matter of primary concern to look after the vested interests of the Land and the State establishment. Nor should it be overlooked that the Lords, if they had acted in accordance with their professed principles, would certainly have thrown out the Bill altogether. Where was the mandate for it? Was it not abundantly clear that it was disapproved by the country? But this mandate theory is kept for Liberal Government Bills.

## WELSH SCHOOL SCHEMES.

The House of Lords has not neglected its opportunities of wrecking the Welsh Intermediate School Scheme. That relating to Howell's School (Denbigh) was rejected on July 16th, 1897, by 72 to 33, although it had been approved by the Charity Commissioners and was defended in the Lords by the Duke of Devonshire. But Lord Salisbury, instigated by the Bishops, would have none of it—it was "theological piracy."

The two contentions which were urged with any success were (1) that Howell's School was a Church of England foundation, the government of which ought not to be transferred to the representatives of the public bodies in North Wales; (2) that Dr. Williams's school at Dolgelly, towards which it was proposed to apportion £120 out of Howell's estate, was "a Unitarian school"—the phrase was the Archbishop of Canterbury's. Now, in the first place, if it were true that Howell's Charity was a "theological endowment," the Bishop of St. Asaph could easily have killed the scheme by putting the law into force. For the Privy Council can be asked if any given charity is or is not ecclesiastical, and if the answer is "Yes," the charity cannot be touched. As to the second contention, that money was being taken from a Church school to give to a "Unitarian school" at Dolgelly, here are the facts with regard to the latter :—

1. THE GOVERNORS.—Of the twelve Governors ten out of the twelve were known *not* to be Unitarians.

2. THE TEACHERS.—*None* were Unitarians.

3. THE SCHOLARS.—Out of the 103 girls *not one* was a Unitarian.

CHAPTER XVII.

# OTHER QUESTIONS.



## (1) LOCAL TAXATION COMMISSION REPORT.

The subject of Local Taxation is one that will necessarily come up for treatment in the near future. The "Doles" Act expires in March, 1906, and the Government has pledged itself before that time to make proposals for the reform of Local Taxation. Mr. Walter Long has said:—

"Local taxation at present pressed unduly upon particular classes of the community, because the old principle of local taxation had been abandoned. Whereas local taxation was intended to be raised according to the means and substance of the taxpayers, taxes were now paid to an altogether undue extent from that class of property known as real, while movable property paid far too small a proportion. The remedy for that state of things was what the Government wished to work, and it was one of the reforms which the Government hoped to deal with if the country allowed them to remain in office a little longer. They had the report of the Royal Commission to go upon, and he hoped it might soon be his duty on behalf of his Majesty's Ministers to bring in a Bill which would deal with this pressing and important question. The way to deal with it was by a sweeping reform of our system of local taxation, and not by any removal of particular burdens which justly fell upon taxpayers or ratepayers."—(*Bristol, April 16th*, 1903.)

### THE LOCAL TAXATION COMMISSION

was appointed in 1896 and consisted of the following members:—

| | | |
|---|---|---|
| Lord Balfour of Burleigh. | Sir G. Murray. | Mr. T. H. Elliott. |
| Lord Cawdor. | Mr. C. B. Stuart-Wortley, K.C., M.P. | Mr. E. Orford Smith. |
| Lord Blair Balfour. | Mr. C. N. Dalton. | Mr. James Stuart. |
| Sir J. T. Hibbert. | Mr. C. A. Cripps, K.C., M.P. | Mr. J L. Wharton, M.P. |
| Sir E. Hamilton. | Mr. Harcourt E. Clare. | Judge O'Connor, K.C. |

Its final report* as to England and Wales, made in June, 1901, is one

* [Cd. 638.] Price 1s. 6d.; *post free* from the Liberal Publication Department, 42, Parliament-street, S.W., for 1s. 9d.

of the most interesting Royal Commission Reports that has been presented to Parliament in recent years. It is in effect a thoroughly illuminating handbook on the subject of Local Taxation Like all Royal Commission Reports it really consists of a series of essays by independent contributors. The majority "Report" is subject to all kinds of reservations and cross-reservations by those who sign it. It has a timorous and tinkering character, and speaks generally in a perplexed and inconclusive tone. The Chairman, Lord Balfour of Burleigh, adds a scheme of his own, with a number of separate recommendations. The real feature of the Blue Book is, however, the separate report of Sir Edward Hamilton and Sir George Murray. There is about this document a refreshing air of well-digested knowledge, logical clearness and comprehensive practicality. Not the least of its services is the exposition which it gives of part of the scheme of Lord Balfour of Burleigh, which it embodies in its own recommendations. Next comes one of the most interesting portions of the volume—the separate report of the rating of site values. It is signed, as might be expected, by Mr. James Stuart and Lord Blair Balfour (better known as Mr. J. B. Balfour), but also by Sir Edward Hamilton and Sir George Murray, and (what is, perhaps, the most significant thing of all), by the Chairman, Lord Balfour of Burleigh, himself. Last comes a "one man" Report from Judge Arthur O'Connor (once a well-known Parnellite member, and now a County-court Judge).

## THE COMMISSION REPORT.

The subject is far too detailed and technical to be compressed into the necessary limits of a summary. There are, however, certain salient points of general public interest with which the Blue Book deals, and these it is proposed to present as succinctly as possible. They are, briefly stated:—1. Local Subventions. 2. The Rating of Agricultural Land. 3. The Rating of Site Values.

## I.—Local Subventions.

Practically all the revenues of local authorities are raised by rates. Rates are, in effect, a tax on a single species of property, *i.e.*, land occupied by the ratepayer, whether for a dwelling or for business purposes. The national revenues, on the other hand, being raised by taxes, are levied upon a much broader basis. To what extent rates or their ultimate incidence fall on the owner and to what extent, on the occupier, none of the Commissioners profess to determine, but it seems generally agreed that the basis of national taxation is more equitable than that of local rating. The grievances of certain classes of ratepayers are accentuated by the fact that certain public services—such as poor relief, criminal prosecutions, education, main roads—have been imposed upon the localities, though they are said to be "of national, rather than local concern." The problem, therefore, has been to what extent the local ratepayer should be relieved from the burden of rates at the expense of the general body of taxpayers.

Up to 1888 the solution adopted was the voting by Parliament of specific grants to the local authorities in aid of the services which they

performed. This course is still pursued in regard to education. In 1888, however, Mr. Goschen, with the approval of Mr. Gladstone, proposed to put the question upon a different basis. The system of grants in aid was abandoned, and in their place certain sources of revenue—namely, the excise licence duties, and a proportion of the estate duties—were specifically assigned to the local authorities. To these have since been added what are known as the "beer and spirit surtaxes," and a further proportion of the estate duties. The produce of these sources of revenue forms a fund which is operated upon by the Local Government Board, which, subject to several complicated charges and qualifications, distributes the various contributions in the proper quarter. The object of this scheme was to sever Local from Imperial finance, and to broaden the basis of local taxation by placing the owners of personalty under some direct contribution to local charges. The question now arises—is this system a sound one, and has it gone far enough? The answer of the Commissioners is as follows:—

1. *The Majority Report.*—The system is sound, but should be carried further. Further relief should be given to those sources which are "national and onerous," as distinguished from those which are carried on purely for local advantage. Other licence duties besides those of the Excise should be assigned to local purposes, and to these should be added the Inhabited House Duty.

2. *Lord Balfour of Burleigh.*—The system is unsound and fallacious. It has failed to attain its object. The assignment of special sources of revenue to special purposes is mere bookkeeping. The sums assigned have no logical basis. The better course is to grant a fixed sum from the consolidated fund, and to determine its amount for the needs of the localities. The finances of the localities should also be supplemented by a special rate on site values, and of the liberty to impose local taxes, such as taxes on advertisements and on bicycles. The Exchequer contributions should be distributed on an ingenious scheme, so that the poorest localities receive the largest proportionate assistance.

3. *Sir Edward Hamilton and Sir George Murray.*—The system of assigned revenues, though well designed, has proved a failure and should be abandoned. The whole system is subjected to a searching criticism. The best course is a fixed grant from the consolidated fund. "A State provision towards local services is either a right charge or a wrong charge; and if, as we contend, it is a right charge in the case of such services as are national and not a compassionate grant of the taxpayer to the ratepayer, it should fall on *all* taxpayers." The principles they recommend are thus summarised.

(*a*) That a distinction should be drawn between "onerous" and "beneficial" expenditure.

(*b*) That to "onerous" expenditure persons should contribute according to ability to pay, and to "beneficial" expenditure according to benefit received.

(*c*) That "beneficial" expenditure should continue to be met out of revenue raised by rates, because rates have, or can be made to have, fair regard to benefit received.

(*d*) That to "onerous" expenditure or services which, though locally administered, are, in the main, national in character, *but to such expenditure only* the State should contribute a fixed amount.

(*e*) That this contribution should not, in the total, exceed one-half of the expenditure upon national services.

## II.—The Rating of Agricultural Land.

It is certainly a significant fact that, with the exception of Mr. James Stuart and Judge O'Connor, all the Commissioners agree that agricultural land is entitled to some special relief over and above that which they propose should be accorded to the general body of ratepayers. It will be observed, however, that Sir Edward Hamilton and Sir George Murray deliver themselves of some very trenchant criticism of the Land Rating Act of 1896, and that their proposals involve a very serious curtailment of its operation.

The Commissioners give a brief history of the special treatment of agricultural land. They quote the late Professor Sidgwick as an authority for the proposition that the abandonment of protection entitles the agricultural interest to some relief in the matter of rates. They urge that the farmer is in a different position from other occupiers of land. The land which he requires for the purpose of his business is, as compared with that required by other occupiers, out of all proportion to the income he derives from it. They point out that for the purpose of a great many rates, levied under the authority of various Acts of Parliament (as, for example, the Public Health Acts), land is already rated on only a proportion of its value. They point, too, to the fact that canals, railway lines, and land covered with water is accorded a similar differential treatment. They accordingly come to the following conclusion:—

"We consider it to be well-established that in view of the character of agricultural property, the amount of the produce, and profits derivable thereupon, and the relative extent to which benefits accrue to the property, and to its occupier, by reason of the expenditure incurred by the local authorities, it would be inequitable that rates should be paid in respect of it on the basis of its full annual value. . . .

"We suggest, as regards England and Wales, that for all burdens which are of an onerous character, and for the cost of the maintenance of local highways, agricultural land should be assessed at one half of its rateable value, and that in respect of other burdens, where the case of the agricultural ratepayer is dependent not only upon his inferior inability to pay, but also upon the meagre extent to which he is benefited, and much of the local expenditure incurred, he should continue to be rated at one-fourth as under the Public Health Act 1875, and other similar enactments."

These recommendations apply also to tithes and tithe-rent charges. The Commissioners propose that the deficiency should still be made good by "grants out of moneys provided by Parliament," and adhere to the system of setting aside a portion of the estate duties for this purpose.

The standpoint of Sir Edward Hamilton and Sir George Murray is a somewhat different one. They would prefer, if it were practicable, a threefold classification, by which residential property should be rated

at its full value, agricultural land at half its full value, and other non-residential property at two-thirds of its full value. Not feeling justified in recommending so great a change, they propose that the relief at present accorded to agricultural land should be still, to some extent, continued.

"It is true that the ultimate effect of a permanent measure may be different from the immediate effect of a temporary measure; yet *we cannot conceal from ourselves the great difficulty of depriving persons of a relief once accorded to them, even if by the indirect action of economic forces the relief eventually benefits others.* Moreover, we believe it to be possible to remove much of the objection taken to the existing temporary measure by strictly confining the relief to expenditure on onerous services, and by proposing . . . another mode of allocation which will have better regard to the varying needs and varying abilities of different localities.

"These practical considerations, combined with the fact that profits derived from agricultural land are, as a rule, smaller in proportion to the amount paid in rates than the profits derived from other non-residential property, appear to us to afford ground for assessing agricultural land at half its full rateable value, to the extent—but only to the extent—to which rates have to be levied for onerous expenditure."

Their proposal, however, would involve the cessation of the present grants from the Imperial Exchequer,

"We consider it admissible that agricultural land should be rated at one half for the national services on the ground that the ability of the persons paying the rates on these properties is less than the ability of the persons paying the rates upon other properties of equal annual value.

"By this means the local part of the burden of national services would be borne in fair accordance with the ability of the ratepayers; and at the same time, the grants payable under the Agricultural Rates Act, which are so frequently attacked, and perhaps not without reason on several grounds, would be dispensed with."

It will thus be seen that Sir Edward Hamilton and Sir George Murray can scarcely be cited as champions of the Agricultural Rating Act. Their criticisms upon the working of the measure have already been given under the heading "Agriculture" (*see* page 41).

## III.—The Rating of Site Values.

The Majority Commissioners will have nothing to say to the rating of site values. The idea is one that is obviously disturbing and repugnant to all the settled notions. They examine it in a suspicious and unfriendly spirit. It cannot be said that they very effectually grapple with the problem or analyse its meaning, but in whatever aspect they look at it it seems to them to bristle with insoluble difficulties. They accordingly dismiss it with the conclusion that its advocates have failed to make out their case.

There is, however, a separate report signed by Lord Balfour of Burleigh, Lord Blair Balfour, Sir Edward Hamilton, Sir George Murray and Mr. James Stuart, who came to a very different conclusion. They examine the whole question very closely. They correct a number of fallacies which encumber the popular mind, they make full allowance for the chief objections urged on the side of the established

system, but taking all these things into account they find themselves able to recommend a separate assessment of urban site values (*i.e.*, a valuation of the land, apart from the building erected upon it), and the imposition of a moderate site value rate to be levied alongside of the existing rates. The report is of an extremely qualified character; it limits its proposals on every side, but though it will not satisfy whole-hearted believers in the taxation of ground values, it is a great step in the direction in which they desire to move. Those who have not hitherto studied the subject will find the report a capital introduction thereto.

The signatories feel themselves "bound to condemn unhesitatingly all the schemes which have been put before them." It does "not, however, seem to them that the ideas which underlie the movement are entirely unsound." . . . "It is no doubt a fallacy to suppose that there are huge untapped sources of revenue in connection with urban land, but it is not a fallacy to think that urban site value is a form of property, which from its nature is peculiarly fit to bear a direct and special burden in connection with 'beneficial' local expenditure." They concede that the value of sites is from time to time greatly increased by public improvements: also that "our present rates indisputably hamper building," and that consequently the question "is of special importance in connection with the urgent problem of providing house accommodation for the working classes."

They draw attention to the fact that site values are to some extent taxed already. The present valuation is made of the site and the building taken together. They believe, however, that it would be perfectly feasible to make a separate valuation of the sites alone, and they propose that this should be done. On this valuation a special rate might be leased side by side with the existing rates. It would serve at once to stimulate building when building is needed, and also to exact a larger contribution from the owners of "swollen site values," who are the last persons in the world who should be relieved at the expense of the general taxpayer.

All existing contracts should be rigidly respected. The Commissioners think that this would detract little, if at all, from the value of the scheme. Most tenancies are of comparatively short duration, while those who have the advantage of a long lease are to all intents and purposes owners of the sites. They get all the advantage that comes from public improvements, and there is no reason why they should not bear the burden. The Commissioners believe that, *ultimately*, in all cases the rate would fall upon the owners, but they consider that (subject to existing contracts) it would be convenient, partly because it would evoke popular feeling, partly because it would enlarge the reservoir of taxable capacity, to charge it partly upon owners, partly upon occupiers. Accordingly the rate would be collected first from the tenant, who would deduct the landlord's proportion from the rent: the landlord, if a sub-lessee, would deduct a proportion of this from the rent paid to the superior landlord, and so on till the freeholder (sooner or later) is reached and tapped.

This charging of a portion of the rate directly upon the occupier would act as a kind of "automatic safeguard" against the supposed "predatory tendencies" of occupiers, and, a still further check on alarming possibilities, the rate might be limited by Parliament.

The new site value rate should be levied on occupied and unoccupied premises alike. As to "uncovered land"—*i.e.*, land capable of being used, but not actually used for buildings—the Commissioners are sympathetic but not enthusiastic. They would go so far as to impose the new rate on "all uncovered land which is intended to be let or could be let with a covenant for immediate building." They suggest various safeguards, and, among them, that if the owner of the land considers the value put upon it excessive, he should have power to call upon the local authority to take it over at a fixed number of years' purchase of the valuation.

The report concludes with the following summary:—

"It may be convenient that we should here briefly summarise the conclusions which we have formed on the question of urban rating, and to which we desire to call special attention. They are as follows:—

(1.) That misconception and exaggeration are specially prevalent on this subject.

(2.) That, as a rule, others besides the freeholders are interested in site values.

(3.) That the value of the site as well as of the structure is at present assessed to rates.

(4.) That, while site value is enhanced automatically by extraneous causes, yet it has no monopoly of such enhancement; but that the outlay of ratepayers' money does increase the value of urban sites to a special, though not easily measurable, extent.

(5.) That sites and structure, which are now combined for rating purposes, differ so essentially in character that they ought to be separately valued.

(6.) That, when separated from structure, site value is capable of bearing somewhat heavier taxation, and should be made to bear it, subject, however, to strict respect for existing contracts.

(7.) That the differential treatment should take the form of a special site value rate, payable in part by means of deduction from rent on the Income-tax method, and that thus a part of the burden should visibly fall on those who have interests superior to those of the occupier.

(8.) That, subject to the conditions which we have specified, the special site value rate should be charged in respect of unoccupied property and uncovered land.

(9.) That, if proper regard be had to equitable considerations, the amount capable of being raised by a special site value rate will not be large; and that the proceeds of it, whatever the amount may be, should go in relief of local, not Imperial, taxation.

"The advantages which can be claimed for the proposal are, we venture to think, not inconsiderable.

(1.) It would conduce by placing the urban rating system on a more equitable, and thus sounder, basis.

(2.) It would be making the ground-owner, and others who may under the leasehold system acquire an interest in site values, contribute

somewhat more to local taxation than they do now, and the contribution would be direct and visible.

(3.) It should go some way towards putting an end to agitation for unjust and confiscatory measures.

(4.) It would enable deductions for repairs to be made solely in respect of the buildings.

(5.) It would do something towards lightening the burdens in respect of building, and thus something towards solving the difficult and urgent housing problem.

(6.) It would tend to rectify inequalities between one district and another district, and between one ground-owner and another ground-owner.

(7.) It would, or at least it should, conduce to the removal of some of the widely-spread misconceptions which seem to prevail, not only in political circles, but among economic authorities and responsible statesmen; for, while it would be an admission that there were defects in the urban rating system, and an attempt to remedy those defects, it would show that there is no large undeveloped source of taxation available for local purposes, and still less for national purposes."

## (2) THE TAXATION OF LAND VALUES.

It is not possible here, nor would it be within the scope of this *Handbook*, to set out the case for the taxation of land values; but it should be noted that on four occasions the Government has resisted motions or Bills in favour of dealing with the land question.

(1) On February 10th, 1899, the late Mr. E. J. C. Morton moved an amendment to the Address:—

"And we humbly express our regret that there is no indication in your Majesty's Gracious Speech that measures will be submitted to the House dealing with the ownership, tenure, or taxation of land in towns."

The Government resisted this, and it was lost by the narrow majority of 139 to 126 (majority 13).

(2) On May 1st, 1900, Mr. Nussey moved:—

"That, having regard to the heavy and increasing burden of local taxation in urban and certain other districts, the House urges upon the Government the necessity of forthwith redressing the undoubted grievances from which many ratepayers suffer."

This was also resisted by the Government and lost by 140 to 98 (majority 42). The Government having appointed a Royal Commission on Local Taxation, Mr. Chaplin protested that it would be disrespectful not to await their report.

(3) On February 19th, 1902, Mr. C. P. Trevelyan moved the second reading of the Urban Site Rating Bill. Its chief provisions were to secure separate assessment of site values in urban communities, whether built upon or not. Upon this valuation municipalities were to levy at their discretion as much as a rate of 2s. in the £ to the relief of the ordinary rates. The Bill, so far from being a measure of confiscation, was drawn up upon the lines of a report in the Local Taxation Commission signed by Lord Balfour of Burleigh, a member of the Cabinet.

The Bill was rejected by 231 to 160 (majority 71). Mr. Grant Lawson had only the vaguest and most unsatisfactory assurances as to what the Government proposed to do in the matter:—

"The question of rating was too important to be dealt with as a plaything in a private member's Bill on a Wednesday afternoon. The Bill did not go near touching the *crux* of the problem of local taxation, which was, how could local burdens be better distributed according to the ability to bear them? If the question was to be touched, it ought to be touched by the Government, and the Government would deal with it. He was not at liberty to say how the Government would deal with it. . . ."—(*House of Commons, February 19th*, 1902.)

(4) On March 27th, 1903, Dr. Macnamara moved the second reading of the Land Values Assessment and Rating Bill. Resisted by the Government and rejected by 185 to 172 (majority 13).

The Bill directed urban land values to be separately assessed and gave to local authorities power, which they might exercise if they thought fit, to levy a land value rate throughout their areas. The rate to be *levied* on the capital value of all land, whether occupied or not, as distinct from the value of any buildings or structures on the land; to be *payable* generally by the persons at present liable to pay rates, special provision being made for the case of buildings containing several parts separately occupied, and also for the case of unoccupied property. With regard to tenancies created after the commencement of the Act, it was provided that a tenant who paid land value rate might deduct from his rent the amount of the land value rate calculated on the land value as it was when that rent was fixed. No such deduction to be permitted under existing tenancies. The total amount of the new rate in any year was limited to one penny in the pound on the land value.

## (3) THE RIGHTS OF WORKMEN.

During the past few years some decisions of the House of Lords and of the Court of Appeal have seriously affected the position of the Trades-Unions and of organised labour. It is not for us to question the soundness of their decisions in point of law, but it is undeniable that they came as a great surprise to all, whether employers or employed. We briefly summarise the three most important of these decisions:—

LYONS *v.* WILKINS.—The Court of Appeal (*February*, 1898) granted a perpetual injunction against the defendants—Trades-Unionists engaged in a strike against the plaintiffs—from watching or besetting, because (*a*) it is an offence within Section 7 of the Conspiracy and Protection of Property Act, 1875, and (*b*) it is a nuisance at common law for which an action on the case would lie, for such conduct seriously interferes with the ordinary enjoyment of the house beset. The injunction will be granted when the house watched and beset is not that of the workmen sought to be affected, but that of the employer. The importance of the decision is obvious. Very few strikes can be carried on successfully without "attending to persuade" the men who are brought by the employers to take the place of those on strike. Peaceful picketing is by the decision declared to be unlawful, and can be stopped at any moment by the order of a judge.

TAFF VALE RAILWAY COMPANY *v.* AMALGAMATED SOCIETY OF ENGINEERS.—The House of Lords decided (*July*, 1901) that a Trades-Union can be sued as a corporation in its registered name, damages thus being recoverable

against a Union to the whole extent of its funds. This upset the doctrine (well established until that date) that Unions could not be sued in their corporate capacity. It is indisputable that the Legislature did not intend them to be when, in 1871, it legalised Trades-Unions by passing the Trades-Union Act of that year.

QUINN *v.* LEATHEM.—The House of Lords decided (*August*, 1901) that a malicious conspiracy of several to injure a person in his business by inducing his customers or servants to break his contracts with him, or not to enter into contracts with him, or deal with him, or continue in his employment, is actionable, notwithstanding the decision in *Allen* v. *Flood*.

## MR. BEAUMONT'S MOTION, 1902.

On May 14th, 1902, Mr. Beaumont, the Liberal member for the Hexham Division, moved the following resolution in the House of Commons :—

"That legislation is necessary to prevent workmen being placed by 'Judge-made law' in a position inferior to that intended by Parliament in 1875."

In the course of the debate some capital was made out of the phrase, "Judge-made law," but its meaning is perfectly well understood. It was not intended in any way to cast reflection upon His Majesty's Judges; and the real fault lies with Parliament for not having expressed sufficiently clearly what was intended. In the course of the debate the Government were asked to consent to an inquiry into what the law actually is at this moment. This the Government refused, and the House instead passed an amendment (moved by Mr. Renshaw) declining to "commit itself to fresh legislation on the subject of trade disputes until it is shown that the existing law does not sufficiently protect workmen in the exercise of their lawful rights." The small majority (29), however, by which this was passed was very significant.

## MR. SHACKLETON'S BILL, 1903.

A Bill to legalise the peaceful conduct of Trade Disputes was brought in in the Session of 1903 by Mr. Shackleton (Lab.), supported by Mr. Bell (Lab.), Mr. John Wilson (Durham) (L), Mr. Broadhurst (L), Mr. William Abraham (Rhondda) (L), Mr. Keir Hardie (Lab.), Mr. Fenwick (L), Sir Charles Dilke (L), Mr. Jacoby (L), and Mr. Pickard (L). Its operative clauses were two :—

*Legislation of Peaceful Picketing.*

1. It shall be lawful for any person or persons, acting either on their own behalf or on behalf of a trades-union or other association of individuals, registered or unregistered, in contemplation of or during the continuance of any trade dispute, to attend for any of the following purposes at or near a house or place where a person resides, or works, or carries on his business, or happens to be :—

(1) For the purpose of peacefully obtaining or communicating information.

(2) For the purpose of peacefully persuading any person to work or abstain from working.

*Amendment of Law of Conspiracy.*

2. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute, shall not be ground for an action if such act when committed by one person would not be ground for an action.

The Bill (which had received the approval of the Trades-Union Congress Parliamentary Committee) came up for second reading on May 8th, 1903. Mr. Alfred Lyttleton (LU), whilst he opposed the particular provisions of the Bill, said :—

"In his judgment the law of picketing might be amended in favour of the trades-unions without such consequences. He believed also that in 1869 so conservative and excellent a Judge as Mr. Russell Gurney, Recorder of London, definitely stated that peaceable picketing was within the law. Furthermore, he had been told by a distinguished person, long a member of that House, that on a Saturday afternoon in July or August, 1871, a Labour Bill having come back from the House of Lords, and Lord Cairns having declared there that peaceful picketing was legal, somebody said, 'Why not insert that proviso and make it clear?' Whereupon Mr. Gathorne Hardy said, 'No, the Lord Chancellor said it is not needed.' That showed how this state of things had arisen."—(*House of Commons, May 8th*, 1903.)

The Government, however, would not support the Bill, and consented to an amendment proposed by Mr. Galloway asking for a Royal Commission. Mr. Akers-Douglas, the Home Secretary, said :—

"He deprecated any hasty and ill-considered attempt to get over the effect of certain recent decisions of the Courts. . . . He proposed to vote for the amendment. Last year, when the present Chancellor of the Exchequer was asked to grant an inquiry, he thought it better to await the result of an appeal to the House of Lords, then understood to be pending; but the case had not gone further, and opinion on both sides of the House had considerably advanced. There was a desire that people should know what the actual state of the law was at the present moment. It was a wish that he did not himself entirely share, because he believed that the law was known by those who had to administer it. But he thought a case had been made out for an inquiry, so that those who desired an alteration of the law should be able to state what alteration they desired, and those who felt that they had been hardly treated by the recent decisions should have an opportunity of placing their grievances before the Commission."—(*House of Commons, May 8th*, 1903.)

As Mr. Asquith said, to appoint a Commission to discover what the law is, which you say you know all the time, is one of the oddest proceedings imaginable. The Bill was lost by 256 to 236. An analysis of the division (including tellers) shows the following :—

| *No. in House.* | | *For.* | *Against.* | *Absent Unpaired.* |
|---|---|---|---|---|
| 394 | Ministerialists ... ... | 17 | 258 } 273 | 104 |
| | Paired ... ... | — | 15 } | |
| 191 | Liberals ... ... ... | 153 } 168 | — | 23 |
| | Paired ... ... | 15 } | | |
| 83 | Nationalists... ... ... | 58 | — | 25 |
| 2 | Speaker and 1 Vacant Seat (Preston) ... ... | — | — | 2 |
| 670 | | 243 | 273 | 154 |

The attitude taken up by the two parties is shown by the following percentages :—

| | For Bill. | Against. | Absent. |
|---|---|---|---|
| Tory ... ... ... | 4 | 69 | 27 |
| Liberal ... ... ... | 88 | 0 | 12 |

## THE ROYAL COMMISSION.

The Government redeemed their pledge as to the Royal Commission by the appointment of one of five, consisting of Mr. Graham-Murray, the Lord-Advocate (*Chairman*), Mr. Arthur Cohen, K C., Sir William Lewis, Bart., Mr. Sidney Webb and Sir Godfrey Lushington. The remarkable thing is that not one of these is a workman or Trades-Unionist, though the employers have a redoubtable representative in Sir William Lewis. It is not surprising that Trades-Unionists should be profoundly dissatisfied with the Commission, and that their leading men should have refused to give evidence before a Commission which they do not feel to be representative or fairly balanced in its composition.

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## (4) THE PENRHYN QUARRY DISPUTE.

The case of Lord Penrhyn and his quarrymen came up in the House of Commons on April 27th when Mr. Asquith, on behalf of the Opposition, moved the following Vote of Censure :—

"That, in view of the grave social and public interests involved in the continuance of the industrial dispute at Bethesda, this House condemns the inaction of his Majesty's Government, and declares its opinion that prompt intervention on their part is imperative to arrive at a just and effectual settlement."

In his speech, Mr. Asquith submitted the following two questions to the consideration of the House :—

(*a*) Are the circumstances of the particular dispute so grave and so exceptional as to warrant, and not only to warrant but to demand, the exercise of any power of conciliation which the State may possess?

(*b*) Are these powers which the Government might and ought to exercise which they have left and are leaving unused?

Mr. Asquith's speech was a convincing demonstration that both questions must be answered in the affirmative. The specific power which the Government has not used is that given to the Board of Trade by the Tory Conciliation Act of 1896 which, so far as is material, is as follows :—

(1) Where a difference exists . . . between an employer . . . and workmen . . . the Board of Trade may, if they think fit, exercise all or any of the following powers, namely . . . :—

(*c*) On the application of employers or workmen interested, and, after taking into consideration the existence and adequacy of means available for

conciliation in the district or trade, and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation . . .

Why has not Mr. Gerald Balfour used this power on the chance—no one can say the certainty—that Lord Penrhyn would listen to the State speaking through a Tory Minister? Well, here is Mr. Gerald Balfour's explanation :—

"I cannot conceive a case in which it was clearer that the intervention of the Board would have been useless. Therefore, had we consented to intervene in this case we should practically have to do so in every case in which application is made. But the Act expressly confers on the Board a discretion. If we had consented to act on this occasion that discretion would have disappeared."—(*House of Commons, April 27th*, 1903.)

It is difficult to do justice to this remarkable argument—it is as if a man with an option to buy a house said he could not exercise the option because in that case he would lose it. The debate was useful, in that it exhibited the Government (as Sir Henry Campbell-Bannerman said) standing "shivering in the presence of Lord Penrhyn, unable even to venture to approach him with a view to introducing the element of conciliation into this deplorable dispute." The truth is that Lord Penrhyn wants "unconditional surrender"—as foolish and mischievous a policy in North Wales as in South Africa.

## (5) RAILWAY SERVANTS—ACCIDENTS AND HOURS OF LABOUR.

### THE 1895 PARLIAMENT.

1. Mr. Maddison, then M.P., moved an amendment to the Address on February 20th, 1899, in the debate on which Mr. Ritchie, on behalf of the Government, promised immediate legislation. This was thought perfectly satisfactory, and Mr. Maddison withdrew his amendment.

2. The Board of Trade shortly after published the report of its official, Mr. Hopwood, who had been to America and investigated the question of automatic couplings, finding strongly in their favour.

3. On February 27th, 1899, Mr. Ritchie introduced the Railway Regulation Bill in the House of Commons, and it was read a first time.

4. Lord Claud Hamilton, the Chairman of the Great Eastern Railway, withdrew from the Conservative party, nominally because of the Vaccination Act, really because of the "attack on capital" involved in this Bill.

5. On March 16th, 1899, a deputation representing the mine-owners and the private owners of wagons went to Mr. Ritchie to protest against the Bill. Mr. Ritchie, in his reply, stuck up for his Bill, but at the end of his speech, without (technically) committing himself, he said he would consult his colleagues to see if—

(*a*) A new Bill with no reference to automatic couplings should replace the present measure, whilst

(*b*) The subject of automatic couplings should be referred to a "strong Select Committee."

6. Next day Lord Stalbridge, on behalf of the Railway Companies, wrote to Mr. Ritchie :—

"I am desired by the Association to communicate to you that, in the opinion of the railway companies, for reasons which I will not state here, a Select Committee of the House of Commons would not form an efficient or satisfactory tribunal to enquire into this important subject. Their strong view is that this question should be referred to a tribunal which should comprise representatives specially qualified to deal with the subject, and before which both counsel and witnesses shall be heard on behalf of those interested."

7. On April 27th the Bill was dropped, the Government (as usual) backing down—in this case to Lord Claud Hamilton, Sir Alfred Hickman and Co., as representing the railway companies and the private wagon owners.

8. A Royal Commission was appointed in May, 1899, to inquire into the causes of the accidents, fatal and non-fatal, to servants of railway companies and of truck owners. Lord James of Hereford was chairman. The Committee reported in January, 1900. Their principal recommendations were embodied in the Railway Servants (Accidents) Act, carried in the Session of 1900 by Mr. Ritchie. Summarily its effect is to make working on a railway a "dangerous" trade, and to empower the Board of Trade to make rules with the object of reducing or removing the dangers and risks incidental to railway service in various matters. Railway companies are under increased obligation to report accidents, and additional Board of Trade inspectors are to be appointed.

## CAPTAIN NORTON'S MOTION, 1902.

On February 25th, 1902—thanks to the ineptitude of Mr. Gerald Balfour—the Government, for all their great majority, got beaten on a question affecting the hours of railway servants. Captain Norton on that occasion moved the following resolution :—

"To call attention to the excessive hours worked by railway men and other disabilities they suffer ; and to move, That, in the opinion of this House, the Government should exercise their power to call for returns of the hours exceeding 12 per day worked by railway servants, and of cases where work is resumed with intervals of less than nine hours."

Instead of frankly accepting the resolution as it stood, Mr. Gerald Balfour wanted it altered to read :—

"That, in the opinion of this House, the Government should exercise their power to call for returns of the hours exceeding twelve hours per day worked by railway servants whose duty involves safety to trains and passengers, and of cases where work is resumed with intervals of less than eight hours."

Captain Norton declined to alter his motion, whereupon Mr. Gerald Balfour said he would move to amend it, to be informed by the

Speaker that that was precisely what he could not do. He thereupon divided the House against Captain Norton's motion (the Government Whips telling), and got beaten by 151 to 144. Railwaymen will not be slow to decide which party showed itself to be their friends.

## MR. CALDWELL'S MOTION, 1903.

On May 6th, 1903, Mr. Caldwell (the Liberal member for Mid-Lanark) called attention to the administration of the Hours of Railway Servants Act, 1893, and the Railways (Prevention of Accidents) Act, 1900, by the Board of Trade; and moved:—

"That, in the opinion of this House, the Board of Trade should exercise more vigorously the powers conferred on it by the Railway Regulation Act, 1893, and other Acts, with a view of preventing excessive hours of labour by railway servants engaged in working the traffic, and of securing sufficient intervals of uninterrupted rest between the periods of duty and sufficient relief in respect of Sunday duty; and that with a view to the diminution of accidents to railway servants, the appointment of additional sub-inspectors is necessary to ensure that the rules adopted under the Railways Employment (Prevention of Accidents) Act, 1900, are strictly observed."

Mr. Bell (the Labour Member for Derby), in seconding the motion, gave some figures which show the gravity of the question:—

"The return for 1902 showed that 443 men were killed and 3,713 injured in connection with the working of trains and moving of vehicles, while otherwise 33 were killed and 9,929 injured. In considering the percentage of deaths and injuries to the number of men employed it was manifestly absurd to take the total number of railway *employés*, which included clerks and many others who ran no risks in their occupations. He had extracted half-a-dozen grades whose occupations might be termed dangerous. These were 20 drivers killed and 313 injured; 46 porters killed and 480 injured; 23 firemen killed and 470 injured; 101 platelayers killed and 128 injured; 44 goods guards and brakesmen killed and 779 injured; and 34 shunters killed and 587 injured. That was a total of 268 killed and 2,747 injured. The Board of Trade issued a return for the ten years ended 1897, and he had extracted the particulars in respect of goods guards and shunters for the ensuing years, making a total of 15 years. In the 15 years there were 1,176 goods guards or shunters killed and 16,508 injured. In 1888 there were 13,668 goods guards and shunters employed, and in 1902 26,549, and taking as the mean number employed during those years 20,108, they thus found that of this number 17,684 were killed or injured. That was a state of things too horrible to be allowed to continue." —(*House of Commons, May 6th*, 1903.)

He also pointed out that Mr. Gerald Balfour had refused to appoint two additional sub-inspectors, although the money for such sub-inspectors had been voted for the last three years. Mr. Gerald Balfour said the appointment would "probably" be made this year (1903). This Laodicean attitude did not commend itself to the House, and, as Mr. Bryce said, it was felt that not "as much had been achieved as might have been achieved," with the result that the Government majority fell to 35, the motion being rejected by 161 to 126.

## (6) GOVERNMENT CONTRACTS FOR FOREIGN-MADE GOODS.

There was a time when the Tory party took a great interest in the subject of Government Contracts for Foreign-made goods. At the General Election it was one of the Tory trump cards to allege what was quite untrue—that the Liberal Government were spending an increasing amount of public money on contracts with foreigners. Well, here are the figures for every year since 1892 (the 1901 is the latest return issued on the subject):—

[*From Parliamentary Returns No.* 172 *of* 1892, *No.* 206 *of* 1893, *No.* 128 *of* 1894, *No.* 250 *of* 1895, *No.* 198 *of* 1896, *No.* 382 *of* 1897, *No.* 364 *of* 1899, *No.* 325 *of* 1900, *and No.* 304 *of* 1901.]

| Year ending March 31st. | Total Amount of Contracts for Foreign-made Goods. £ | Government in Power. |
|---|---|---|
| 1892 ..... | 39,143 ..... | T |
| 1893 ..... | 60,290 ..... | T and L |
| 1894 ..... | 39,152 ..... | L |
| 1895 ..... | 12,796 ..... | L |
| 1896 ..... | 7,932 ..... | L and T |
| 1897 ..... | 36,055 ..... | T |
| 1898 ..... | 69,351 ..... | T |
| 1899 ..... | 98,644 ..... | T |
| 1900 ..... | 321,826 ..... | T |
| 1901 ..... | 899,355 ..... | T |

Average per year (complete years only taken) { Liberal ... £25,974 / Tory ... £244,062

These figures are a very admirable commentary on the difference between Tory profession and practice. For our part we do not allege that goods can always be bought in this country, or ought to be. But the Tory party, having made so much of this point against a Liberal Government, must stand the racket now that the Liberal total of a few tens of thousands has gone up to nearly a million.

It may be convenient if we set out here the more important purchases made abroad by the various Government Departments in 1900–1901:—

ADMIRALTY (£25,866).

| | £ | s. | d. | | £ | s. | d. |
|---|---|---|---|---|---|---|---|
| Preserved Vegetables .. .. | 350 | 0 | 0 | American Lubricating Oil .. | 15,825 | 0 | 0 |
| Preserved Meats .. .. .. | 6,183 | 0 | 0 | Rails, Fish, Plates, and Bolts .. | 2,349 | 0 | 0 |

ARMY (£325,775).

| | £ | s. | d. | | £ | s. | d. |
|---|---|---|---|---|---|---|---|
| Accoutrements, Web .. .. | 5,700 | 0 | 0 | Ordnance, Experimental and otherwise .. .. .. | 451,195 | 0 | 0 |
| Acetone .. .. .. .. | 85,180 | 0 | 0 | Plant, Acid, and parts .. .. | 1,797 | 0 | 0 |
| Axes, Pickaxes, Spades & Shovels | 6,411 | 0 | 0 | Rails and Fishes .. .. .. | 1,826 | 0 | 0 |
| Carbons, Electric Light .. .. | 1,999 | 0 | 0 | Saddlery, including Blankets, Numnahs, etc. .. .. | 133,118 | 0 | 0 |
| Duck, Tent, etc. .. .. .. | 54,290 | 0 | 0 | Shoes and Nails—Horse, Mule and Pony .. .. .. | 28,518 | 0 | 0 |
| Engines, Railway, parts of .. | 1,727 | 0 | 0 | Spurs .. .. .. .. | 3,357 | 0 | 0 |
| Glasses, Binocular .. .. | 1,920 | 0 | 0 | Tents and parts .. .. .. | 21,808 | 0 | 0 |
| Globes, Chimneys, etc., Lamp.. | 1,9 9 | 0 | 0 | Tools, Screw cutting .. .. | 5,590 | 0 | 0 |
| Handles, Broom .. .. .. | 569 | 0 | 0 | Wagons, General Service .. | 3,333 | 0 | 0 |
| Hosiery: Trousers or Drawers | 919 | 0 | 0 | | | | |
| Huts .. .. .. .. .. | 4,687 | 0 | 0 | | | | |
| Machine Tools, etc. .. .. | 6,276 | 0 | 0 | | | | |

POST OFFICE (£16,555 0s. 6d.).

| | £ | s. | d. |
|---|---|---|---|
| Telephone Apparatus and parts | 9,771 | 2 | 5 |
| Spelter for Batteries | 1,350 | 0 | 0 |
| Ebonite Goods | 1,053 | 10 | 11 |
| Insulators, Special | 860 | 15 | 0 |
| Electric Light Apparatus and Fittings | 1,636 | 11 | 2 |
| Apparatus for Baudot System | 311 | 1 | 0 |

HOME OFFICE.

*Broadmoor Criminal Lunatic Asylum* (£1,221 2s. 0d.).

| | £ | s. | d. |
|---|---|---|---|
| Butter | 726 | 0 | 6 |
| Cheese | 262 | 14 | 6 |
| Sugar (moist) | 159 | 6 | 9 |
| Do. (loaf) | 57 | 19 | 0 |
| Condensed Milk | 13 | 10 | 0 |
| Tallow | 1 | 11 | 3 |

*Prisons Department* (£8,473 12s. 6d.).

| | £ | s. | d. |
|---|---|---|---|
| Bacon (American) | 890 | 17 | 3 |
| Cheese | 1,040 | 3 | 8 |
| Molasses | 240 | 17 | 4 |
| Meats, preserved | 4,255 | 10 | 8 |
| Tallow, Russian | 46 | 3 | 7 |

*Metropolitan Police* (£5,210).

| | £ | s. | d. |
|---|---|---|---|
| Dressed Granite | 5,200 | 0 | 0 |

STATIONERY OFFICE (£16,615 6s. 10d.).

| | £ | s. | d. |
|---|---|---|---|
| Paper, Miscellaneous | 295 | 4 | 4 |
| Ditto for type-writing purposes | 1,715 | 5 | 10 |
| Ditto for Sun process printing, etc. | 1,448 | 11 | 7 |
| Type-writers and Appliances | 5,570 | 12 | 10 |
| Pencils, Lead | 5,133 | 10 | 7 |
| Ditto, Slate | 35 | 18 | 9 |
| Rubber Goods, Bands, Stamps, etc. | 247 | 10 | 7 |
| Bags, Gunny for Waste | 834 | 13 | 1 |
| Miscellaneous Articles | 1,084 | 10 | 5 |

NATIONAL EDUCATION COMMISSIONERS [IRELAND] (£997 8s. 9d.).

| | £ | s. | d. |
|---|---|---|---|
| Kindergarten Goods | 348 | 16 | 0 |
| Slate Pencils | 257 | 5 | 10 |
| Harmoniums | 123 | 4 | 0 |
| White Chalk | 72 | 8 | 0 |
| Pencils and Rulers | 195 | 14 | 11 |

## (7) THE EXCLUSION OF PRISON-MADE GOODS.

This is the sort of subject with which the Tories make great play at election times. So far as the history of the subject is concerned, it will be remembered that the House of Commons, in February, 1895, passed a resolution which was in favour of the exclusion of foreign prison-made goods. The Liberal Ministry of that time did not profess to be able to do this, and Mr. Chamberlain bitterly taunted Mr. Bryce with taking the "fees" of office without being able to provide a proper "prescription." But what the Government did was to appoint a Departmental Committee, which eventually reported in 1896:—

(1) That the quantity of prison-made goods imported was not such as to injure British Trade generally.

(2) That the evil results were confined to the importation of Belgian and German goods.

(3) That mat-making suffered slightly, and that the brush-making trade as a whole did not suffer any serious or lasting injury.

Mr. Ritchie, commenting on these findings, said:—

"He had never stated that the importation of these goods was a very large importation, nor had he ever said that the importation was a serious injury to their trade as a whole."—(*House of Commons, May 13th*, 1897.)

The Government, however, passed an Act in 1897 by which Customs officials are to exclude:—

"Goods proved to the satisfaction of the Commissioners of Customs by evidence tendered to them to have been made or produced wholly or in part in any foreign prison, goal, house of correction, or penitentiary."

Mr. Ritchie was asked who is to tender the evidence. Here is his convincing reply:—

"Who is to supply the evidence? Those people who have got the evidence to supply."—(*House of Commons, May 13th*, 1897.)

It was indeed almost admitted that the Act was of a purely electioneering character, Mr. Chamberlain describing the matter as one of "small economical" but "great political" importance.

Mr. Lambert, on November 26th, 1902, asked the Secretary to the Treasury to state the total value of foreign prison-made goods excluded from this country under the operations of the Act. Mr. Hayes Fisher's reply deserves to be given in full:—

"£183 4s."

No wonder that it was greeted with "laughter" when we remember all the commotion that was made when the Act was passed.

## (8) MINISTERS AND DIRECTORSHIPS.

The question of the Minister-Director has several times been discussed in the House of Commons since 1895, generally on a motion by Mr. Swift MacNeill that the "union of such offices is likely to lower the dignity of public life." Such union was, it will be remembered, prohibited under the last Liberal Government. In the present administration 24 Ministers of the Crown are directors of one or more companies, and these 24 amongst them hold 37 directorships. This is a very serious and lamentable state of affairs. It is not for a moment suggested that any of his Majesty's Ministers are corrupt, and great care was taken in the debate to avoid any imputation of that kind. The real point is that Ministers ought to be subject to no sort of conceivable risk in the matter. It ought to be impossible for them to be moved by divided duty, or to have to decide between conflicting interests. The Liberal standpoint in this matter has been well stated by Mr. Asquith:—

"The right hon. gentleman (*Mr. Balfour*) got rid, in an airy way, of the analogy of the Civil Service. It is admitted that everybody who goes into the service, just as everybody on active service in the Army and Navy, should be prohibited from holding any of these directorships. And why is there this prohibition? Not, as the right hon. gentleman suggests, merely or mainly because that is a permanent vocation, but it is prohibited upon two simple and sufficient grounds—namely, that by entering the public service, by putting on him the Queen's livery, and taking the Queen's shilling, he binds himself to consecrate the whole of his time and energy to the Queen's service; and in the second place because it is absolutely impossible to predict or forecast beforehand in what particular conjuncture the collision between public and private interests, which is so likely to occur, may arise. Therefore it has been found as a matter of practice that although in ordinary probability, judging by the ordinary standards, a case might not occur once in ten, fifty or a hundred times, yet it has been found as a matter of practice essential to lay down a hard and fast, inflexible and uniform rule to which all members of the Civil Service are expected to conform. Supposing when I was at the head of a public department I found that one of my subordinates had been engaged as a director in one of these companies, and during office hours attended to the business of that company, what would be my duty as head of the department? It would be to censure him and possibly dispense with his services. How could I